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Regional Oral History Office
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University History Series

Ira Michael Heyman

CHANCELLOR, 1980-1990, VICE CHANCELLOR, AND PROFESSOR OF LAW, UC BERKELEY;
AND SECRETARY, THE SMITHSONIAN INSTITUTION, 1994-1999

Includes an interview with
Therese Thau Heyman

With an Introduction by
Sanford H. Kadish

Interviews Conducted by
Harriet Nathan
in 1995-2001

Since 1954 the Regional Oral History Office has been interviewing leading participants in or well-placed witnesses to major events in the development of northern California, the West, and the nation. Oral history is a method of collecting historical information through tape-recorded interviews between a narrator with firsthand knowledge of historically significant events and a well-informed interviewer, with the goal of preserving substantive additions to the historical record. The tape recording is transcribed, lightly edited for continuity and clarity, and reviewed by the interviewee. The corrected manuscript is indexed, bound with photographs and illustrative materials, and placed in The Bancroft Library at the University of California, Berkeley, and in other research collections for scholarly use. Because it is primary material, oral history is not intended to present the final, verified, or complete narrative of events. It is a spoken account, offered by the interviewee in response to questioning, and as such it is reflective, partisan, deeply involved, and irreplaceable.

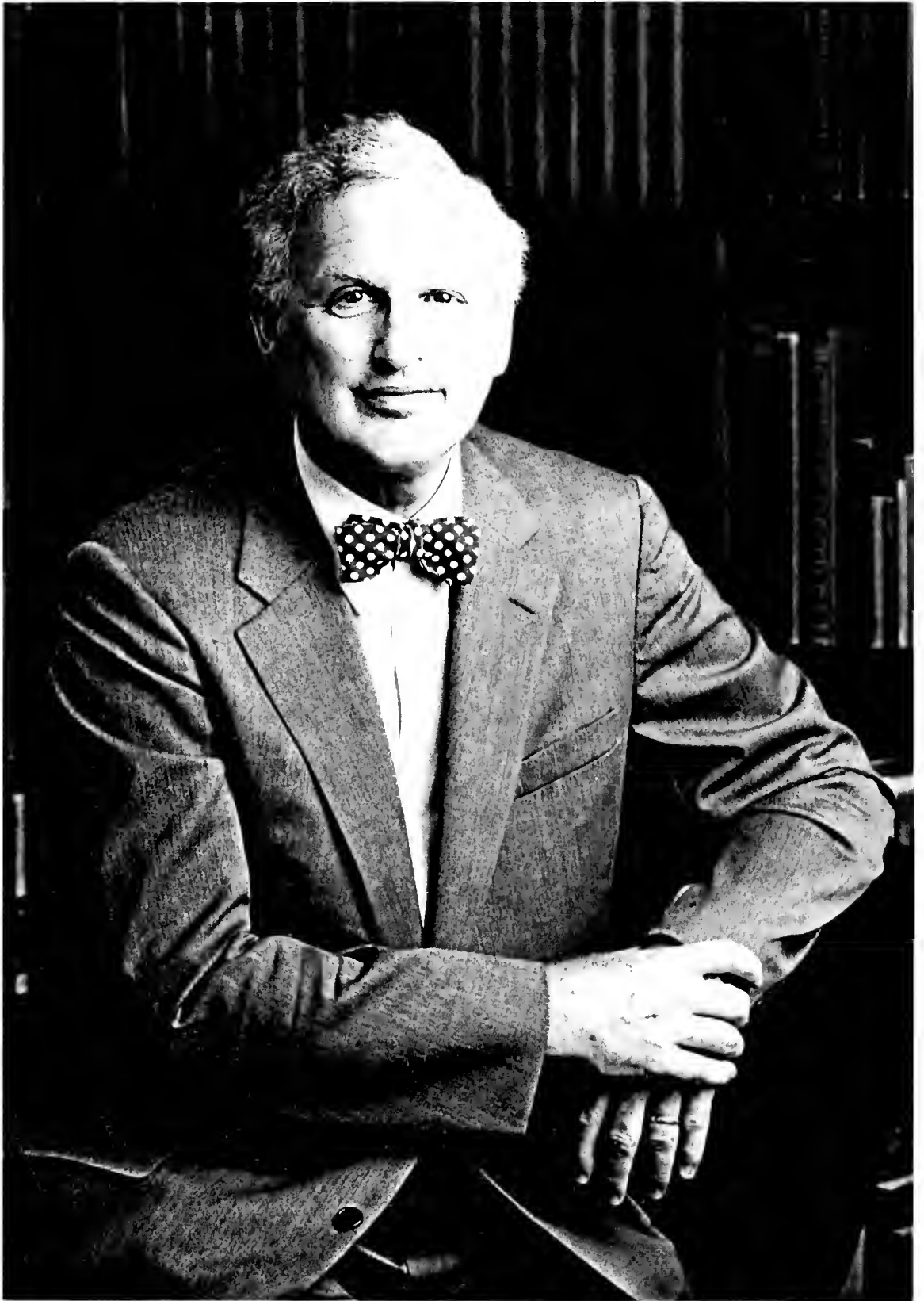
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Childhood in Manhattan, Dartmouth College, A.B. 1951, Yale Law School, J.D. 1956; legislative assistant to Senator Irving Ives, 1950-1951; chief law clerk to U.S. Supreme Court Chief Justice Earl Warren, 1958-1959; Marine Corps and Reserve, 1953-1958; marriage to Therese Thau; UC Berkeley: professor of law and of city and regional planning, 1959- , land use planning and environmental law; Vice Chancellor, 1974-1980, and Chancellor, 1980-1990: admissions, affirmative action, apartheid and divestiture, Free Speech Movement, HUAC; student housing, campus ceremonies; NCAA policies; discusses law practice, arbitration, land use and environmental law; city-campus relations, People's Park, faculty committees, undergrad teaching, faculty quality, fiscal stringency, VERIP (voluntary early retirement incentive program); reorganization of biochemistry; private resources, Keeping the Promise fundraising campaign; reflections on weapons-related laboratories; heading Bay Vision 2020; Department of Interior, deputy assistant secretary for policy, 1993-1994; Secretary, The Smithsonian Institution, 1994-1999. Includes an interview with Therese Thau Heyman (1929-2004), curator of photography, Oakland Museum, and chancellor's spouse.

Introduction by Sanford Kadish, Professor of law emeritus

Interviewed 1995-1997 and 2000-2001 by Harriet Nathan for the University History Series. The Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

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PREFACE

When President Robert Gordon Sproul proposed that the Regents of the University of California establish a Regional Oral History Office, he was eager to have the office document both the University's history and its impact on the state. The Regents established the office in 1954, "to tape record the memoirs of persons who have contributed significantly to the history of California and the West," thus embracing President Sproul's vision and expanding its scope.

Administratively, the new program at Berkeley was placed within the library, but the budget line was direct to the Office of the President. An Academic Senate committee served as executive. In the four decades that have followed, the program has grown in scope and personnel, and the office has taken its place as a division of The Bancroft Library, the University's manuscript and rare books library. The essential purpose of the Regional Oral History Office, however, remains the same: to document the movers and shakers of California and the West, and to give special attention to those who have strong and continuing links to the University of California.

The Regional Oral History Office at Berkeley is the oldest oral history program within the University system, and the University History Series is the Regional Oral History Office's longest established and most diverse series of memoirs. This series documents the institutional history of the University, through memoirs with leading professors and administrators. At the same time, by tracing the contributions of graduates, faculty members, officers, and staff to a broad array of economic, social, and political institutions, it provides a record of the impact of the University on the wider community of state and nation.

The oral history approach captures the flavor of incidents, events, and personalities and provides details that formal records cannot reach. For faculty, staff, and alumni, these memoirs serve as reminders of the work of predecessors and foster a sense of responsibility toward those who will join the University in years to come. Thus, they bind together University participants from many eras and specialties, reminding them of interests in common. For those who are interviewed, the memoirs present a chance to express perceptions about the University, its role and lasting influences, and to offer their own legacy of memories to the University itself.

The University History Series over the years has enjoyed financial support from a variety of sources. These include alumni groups and individuals, campus departments, administrative units, and special groups as well as grants and private gifts. For instance, the Women's Faculty Club supported a series on the club and its members in order to preserve insights into the role of women on campus. The Alumni Association supported a number of interviews, including those with Ida Sproul, wife of the President, and athletic coaches Clint Evans and Brutus Hamilton.

Their own academic units, often supplemented with contributions from colleagues, have contributed for memoirs with Dean Ewald T. Grether, Business Administration; Professor Garff Wilson, Public Ceremonies; Deans Morrough P. O'Brien and John Whinnery, Engineering; and Dean Milton Stern, UC Extension. The Office of the Berkeley Chancellor has supported oral history memoirs with Chancellors Edward W. Strong, Albert H. Bowker, and Ira Michael Heyman.

To illustrate the University/community connection, many memoirs of important University figures have in turn inspired, enriched, or grown out of broader series documenting a variety of significant California issues. For example, the Water Resources Center-sponsored interviews of Professors Percy H. McGaughey, Sidney T. Harding, and Wilfred Langelier have led to an ongoing series of oral histories on

California water issues. The California Wine Industry Series originated with an interview of University enologist William V. Cruess and now has grown to a fifty-nine-interview series of California's premier winemakers. California Democratic Committeewoman Elinor Heller was interviewed in a series on California Women Political Leaders, with support from the National Endowment for the Humanities; her oral history was expanded to include an extensive discussion of her years as a Regent of the University through interviews funded by her family's gift to The Bancroft Library.

To further the documentation of the University's impact on state and nation, Berkeley's Class of 1931, as their class gift on the occasion of their fiftieth anniversary, endowed an oral history series titled "The University of California, Source of Community Leaders." The series reflects President Sproul's vision by recording the contributions of the University's alumni, faculty members and administrators. The first oral history focused on President Sproul himself. Interviews with thirty-four key individuals dealt with his career from student years in the early 1900s through his term as the University's eleventh President, from 1930-1958.

Gifts such as these allow the Regional Oral History Office to continue to document the life of the University and its link with its community. Through these oral history interviews, the University keeps its own history alive, along with the flavor of irreplaceable personal memories, experiences, and perceptions. A full list of completed memoirs and those in process in the series is included following the index of this volume.

Lisa Rubens, Series Director
University History Series
May 2004

Richard Cándida Smith, Director
Regional Oral History Office

Regional Oral History Office
University of California
Berkeley, California

INTRODUCTION by Sanford H. Kadish

My very welcome task is to introduce the reader to Mike Heyman, the subject of the oral history that follows. I will not attempt to recapitulate his achievements. That would take a book, which some student of leadership in American public life will no doubt write some day. I will only offer a personal impression of the man, though with the caution that I am not a neutral observer. Mike has been a friend and colleague for almost forty years and one for whom I have great admiration and respect as well as just plain affection.

Usually we first get to meet a person and then if things go well we are introduced to his home life. With me it was the other way—my family and I occupied his house in the spring term of 1964 when I was visiting Berkeley and he was visiting Yale. I learned from living at his home that he played the bugle, was once in the marines, could hammer out a tune on the piano, read lots of books, and had a wife with exquisite taste. Happily he returned to the faculty and I remained, so I learned a lot more about him than that.

Mike is a large man of linebacker dimensions—over six feet four, girth to match—with an unpretentious (and unrestrained) shock of wiry hair. The latent intimidation of a man of his size is immediately dissipated by a warm-hearted smile, a rolling nautical walk, a totally affable manner and a folksy New York accent. I might invoke the common image of the gentle giant, but it is not quite right. He is big enough and gentle enough, but there is also a strength about him, an aura of quiet competence, of comfortable self-assurance—no simple gentle giant he. Moreover, if the archetypal friendly giant is a person of even affability and constant unruffled calm whose voice never rises and whose brow never furrows in anger, well, that's not Mike. Given sufficient provocation he is capable of showing his anger with the force (and sometimes the language) of the Marine he once was.

The story that emerges from the pages of this oral history is the story of a man engaged with the world. Mike spent his entire career in leadership roles in the service of the public interest. We may perhaps mark its beginning when he rode to office as president of his class at Horace Mann School in New York with the slogan "Elect Mike Heyman, Head and Shoulders Above the Rest." If that was the beginning, the pivotal decision was to choose a professorial career rather than private law practice after his clerkship with Chief Justice Earl Warren. That gave him a platform not only to teach and write about public issues and concerns, but also to engage actively with them as a participant. For example, regional government and environmental protection became academic specialties, but he also worked in these areas, serving as a legal consultant to the San Francisco Bay Conservation Commission and the Tahoe Regional Planning Agency, and as chair of the Bay Vision 2020 Commission. Later in his career, he served as Counselor and Deputy Assistant for Policy to the Secretary of the Interior, assuming major responsibility for such matters as endangered species, the government of Guam and the nettlesome problem of converting the Presidio to civilian uses.

Within the University also he showed his mettle as an activist and a leader. When the Free Speech Movement erupted on the Berkeley campus, Mike was in the forefront of efforts within the Academic Senate to protect students' rights to speak and to organize political activities on the campus. At the same time, it is significant to note in light of his later career, he took care in his leadership role in the Academic Senate that the legitimate exercise of university governance authority not be undermined. Then, of course, came his remarkable career as an academic administrator—six years as vice chancellor followed by ten years as chancellor at Berkeley,

tumultuous years all. Under Mike's leadership the face of Berkeley was changed, figuratively, in the mushrooming of new buildings, and demographically through student affirmative action programs that were from the start dear to his heart. Then, after retiring as chancellor and completing his stint with the Interior Department, he was elected secretary of the Smithsonian Institution where his administrative and leadership talents were again called upon in the public interest.

How to account for Mike's stunning successes in the many roles and offices he has held? The physical and temperamental qualities I earlier sketched surely contributed, but there is more to it. Mike is a person of commitments and ideals. Virtually offered the presidency of the University of California, he declined because he could not accept the regents' policy of continuing to administer the weapons production facilities at Livermore and Los Alamos. But at the same time, he has always been a pragmatic man for whom the prize is tangible achievement, not futile "down with the ship," "feel good" moral gesturing. So he quickly learned the art of the possible, how to accommodate to inescapable reality, how to see hard issues from the perspective of the other side. He also learned to understand the complexity of issues and with it to respect the reason in another's view even if he finds it wanting on balance. It is clear where this quality comes from: from his intelligence and his respect for truth, certainly, but also and perhaps fundamentally from his capacity to see his antagonists as simply people in disagreement with him and not as bad guys to be vanquished. It is this quality which belongs at the heart of any explanation of the remarkable career that unfolds in the pages that follow.

Sanford H. Kadish
Professor of Law Emeritus

Berkeley, California
January 17, 2003

INTERVIEW HISTORY--Ira Michael Heyman

Ira Michael Heyman, seventh Berkeley chancellor, is a big man. When he entered the doorway of the Strouse Press Room at The Bancroft Library for our first interview, he seemed to fill most of it, but not by physical size alone: his presence, his laugh, his grasp of issues, his energy, his humor, his vision, even his singing voice, are all big.

Early planning for the Ira Michael Heyman oral history interviews in the University History Series on Berkeley chancellors began in the 1980s. Because Chancellor Heyman chose to wait for a time after stepping down as chancellor to focus on his memoir, the interviews began in 1995. He provided ten sessions of about two hours each, over a period of three years, beginning in August 1995, and ending in February 1998, with a total of eighteen voice-recorded tapes. In the interviews Michael Heyman spoke readily and easily, mostly without notes. Beginning with his childhood in New York City, education at Dartmouth and Yale, courtship of and marriage to Therese Thau, the oral history goes into greater depth than average press interviews, providing observations and perceptions from his unique vantage point.

Michael Heyman's wide-ranging interests match his capacity for sustained hard work. He is able to work effectively as both professor of law and professor of city and regional planning, combined with major undertakings in the public interest at the levels of city, regional, state, and federal governments. As an educator, his attention focused on the whole of student life: concern for students' physical safety during the occasional periods of unrest; respect for and encouragement of student abilities by his Socratic teaching methods; and serious preparation for every class meeting. Along with the intellectual stimulation of his students, Heyman recognized that a professional department could offer hands-on experience as well. He provided that with such experiences as the study for the Tahoe Regional Planning Commission.

He was a magnet for new interests and responsibilities. His style was to add rather than cull any out, giving full attention to each task in turn, relishing the challenge of each one. He served Secretary Bruce Babbitt of the U.S. Department of the Interior as his assistant secretary, Policy, Budget and Administration. Later he was named secretary of the Smithsonian Institution, more than a full-time job, after service on the Smithsonian board.

Throughout his years as chancellor of the University of California, Berkeley (1980-1990), he worked on five major goals: maintenance of a superb faculty; renovation of campus facilities; building of a private resource base to complement state appropriations; renewal of efforts to sustain and improve Berkeley's undergraduate teaching; and recruitment of an excellent and diverse student body, responding to the vast demographic changes.

In support of the five major goals, he was innovative as well as effective. He took the lead in centralizing fundraising and in launching the "Keeping the Promise" campaign that promoted annual giving by donors. In the fall of 1989, he worked to establish a Center for the Teaching and Study of American Cultures, and pushed for a Long-Range Development Plan for the physical development of the campus.

His five goals demonstrated the way he chose to lead the campus. He had been prepared for innovative thinking in part by teaching at Berkeley, Stanford, and Yale; clerking for Chief Justice Earl Warren at the U.S. Supreme Court; and an earlier clerkship for Vermont Appeals Court Justice Charles Clark. Experience as vice chancellor under Chancellor Albert Bowker added to his

awareness of what the campus needed, such as the reorganization of the biological sciences, the promotion of affirmative action for students, faculty, and staff, and the focus on seismic safety.

As a matter of moral conviction, Chancellor Heyman had been voicing his opposition to the continuing connection between the university and the national laboratories at Livermore and Los Alamos doing work on nuclear bombs. He was told that he was under consideration for the university presidency if he would promise to stop speaking out on the bomb issues. He declined to stop. The memoir which follows highlights his wide understanding of legal, moral and human issues.

The oral history also includes a spousal perspective, as Therese Heyman took time from her busy schedule to record three interviews on December 18, 2000, and February 11 and 14, 2001. She reflected on her career as a nationally recognized curator of art, both at the Oakland Museum of California and the Smithsonian, and on her experience as the wife of the Berkeley chancellor.

Therese Heyman did her work as first lady of the campus with the same attention, planning and interest that sparked her professional interest in art. At times, the two overlapped—borrowing modern California art to hang in University House; and collecting china to complete the settings of the period of the house itself.

She planned campus events as carefully as she did art events. Her deep interest in people informed her campus guest lists, and her wide acquaintance with California art and artists gave her entrée to the vibrant art scene. One goal was to bring Berkeley town and gown together—citizens, alumni, and university supporters—and often mix them with illustrious visitors. Her gift for personal friendships helped the campus gain supporters and contributors. In the art field, a longstanding friendship with Dorothea Lange and others helped develop the photography archive of the Oakland Museum of California, and enriched the collection and appreciation of the elegance of posters.

When the Heyman duo received the verbatim transcripts of their tape-recorded interviews, neither could help from using their correcting pencils on their own words. Each checked facts and spellings; clarified passages for future researchers; and added significant details. The transcripts were then edited at the Regional Oral History Office (ROHO) and returned to them for a second editing. The resulting indexed volume gives readers a treasure trove of twentieth century history in the fields of law, art, education, and culture.

Many thanks to the Office of the Chancellor for providing necessary funding of this interview. It is a pleasure also to thank at least some of the knowledgeable friends and colleagues whose ideas contributed significantly to the Heyman oral history. First is Germaine LaBerge, of ROHO, whose timely help was invaluable in completing the memoirs of Michael Heyman and his wife, Therese Heyman. ROHO colleagues Ann Lage, Suzanne Riess, and Willa Baum provided essential help, and Alexis Peri pulled all the pieces together for the completed volume. Chancellors Albert Bowker and the late Chang-Lin Tien, Assistant Chancellor John Cummins, as well as Professors Robert Twiss, Russell Ellis, the late Preble Stoltz and James D. Hart were generous consultants with a wealth of information. In addition many staff members in Berkeley and Washington, D.C., including the following, helped greatly in moving the project along: Bonnie Berch, Ray Colvig, Joyce deVries, Marie Felde, Patricia Owen, and William Rodarmor.

The Regional Oral History Office was established in 1954 to augment through tape-recorded memoirs the Library's materials on the history of California and the West. Copies of all interviews are available for research use in The Bancroft Library and in the UCLA Department of Special Collections. The office is under the direction of Richard Cándida Smith, and the administrative direction of Charles B. Faulhaber, the James D. Hart Director of The Bancroft Library, at the University of California, Berkeley.

Harriet Nathan
Interviewer/Editor

November 2003
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BIOGRAPHICAL INFORMATION

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Your full name IRA MICHAEL HEYMAN

Date of birth 5-30-1930 Birthplace N.Y.C. NY

Father's full name HAROLD ALBERT HEYMAN

Occupation Insurance Broker Birthplace NYC

Mother's full name WORTH ELAINE HEYMAN (nee Sobel)

Occupation School Teacher Birthplace NYC

Your spouse Therese Helene Heyman (nee Than)

Occupation Art Curator Birthplace NYC

Your children Stephen (deceased) James Nathaniel Heyman

Where did you grow up? NYC

Present community Washington DC

Education AB, Dartmouth College LB Yale Law School

Occupation(s) Lawyer, teacher, Administrator

Areas of expertise Running complex institutions; law and city and environmental planning

Other interests or activities _____

Organizations in which you are active _____

IRA MICHAEL HEYMAN

Born: May 30, 1930; New York City

Family: Son, James; three grandchildren

Education: AB in Government, Dartmouth College, 1951
JD, Yale Law School, 1956 (Editor, *Yale Law Journal*)

Military: 1st Lt., 1951-1953; Capt. in Reserve, 1953-1958, United States Marine Corps

Professional Record:

Chancellor and Professor Emeritus, UC Berkeley (present)

Interim Director, Center for Studies in Higher Education, UC Berkeley (2000-2002)

Secretary, Smithsonian Institution (1994-1999)

Counselor to the Secretary and Deputy Assistant Secretary for Policy, U.S. Department of Interior (1993-1994)

Selvin Professor of Law and Professor of City and Regional Planning Emeritus, UC Berkeley (1990-1993)

Chancellor, UC Berkeley (1980-1990)

The Vice Chancellor, UC Berkeley (1974-1980)

Visiting Professor of Law, Stanford Law School (1971-1972)

Professor of Law and City and Regional Planning, UC Berkeley (1966-1993)

Visiting Professor of Law, Yale Law School (1963-1964)

Professor of Law, UC Berkeley (1961-1966)

Member, State Bar of California (1961-present)

Acting Associate Professor of Law, UC Berkeley (1959-1961)

Chief Law Clerk, Chief Justice Earl Warren, U.S. Supreme Court (1958-1959)

Law Clerk, Chief Justice Charles E. Clark, Court of Appeals for the Second Circuit, New Haven, CT (1957 -1958)

Organizations (past and current):

Board of Directors, Presidio Trust

Board of Directors, National Film Preservation Foundation

Citizens' Stamp Advisory Committee, United States Postal Service

Chairman, Bay Vision 2020 Commission

Board of Directors, EDAW

Board of Directors, Berkeley Community Fund

Board of Directors, Pacific Gas and Electronic Company

Member and Chair, Board of Trustees, Dartmouth College

Board of Trustees, Lawyers' Committee for Civil Rights Under Law

Regent, Smithsonian Institution

Chairman, National Association of State Universities and Land Grant Colleges

Newseum (Freedom Forum), Advisory Committee

In addition, while teaching Professor Heyman consulted actively with the United States Commission on Civil Rights and the Department of Health, Education and Welfare (equal protection issues in the schools of Oakland and Berkeley); the Department of Housing and Urban Development (open space laws); the Tahoe Regional Planning Agency (drafting most of the agency's ordinances through 1974); American Samoa; the Government of the American Virgin Islands; and the County of Kauai, Hawaii. In each of the last four he drafted basic land use ordinances and worked closely with planning staffs and legislatures.

Professor Heyman has published numerous journal articles, papers, and legal documents in the areas of civil rights; constitutional law; land planning; metropolitan government and housing; environmental law and management; and affirmative action.

Professor Heyman lives in Berkeley, California.

Regional Oral History Office
Room 486 The Bancroft Library

University of California
Berkeley, California 94720

BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name Therese Thau Heyman
 Date of birth 9/22/29 Birthplace NY NY
 Father's full name Morris Thau, CEO Mutual Sunset Lam Co.
 Occupation Manufacturer Birthplace NY NY
 Mother's full name Mathilda Nadler Thau
 Occupation House + Home Birthplace NY NY
 Your spouse/partner Ira Michael Heyman
 Occupation UC Chancellor Birthplace NY NY
 Your children James Heyman

Where did you grow up? NY NY
 Present community Berkeley
 Education Feldston School, Smith College
Yale University MA
 Occupation(s) Curator

Areas of expertise American Art on paper
photography, prints, drawings

Other interests or activities Smith College Board,
Paint Council & Museum, Oradea

Organizations in which you are active ←

SIGNATURE Therese

DATE: _____

INTERVIEW WITH IRA MICHAEL HEYMAN

I. FAMILY AND EARLY YEARS, 1930-1947

[Interview 1: August 11, 1995] ##¹

Nathan: Do you feel like starting with early days?

Heyman: Sure, to the extent that I remember them. My parents, Harold and Judith Heyman, both were born in New York. My dad went to Columbia but never finished because his father died and he had to go take over the business, which was a wholesale butcher business. Then he eventually became an insurance broker.

My mother was a schoolteacher. She came from a relatively well-off family, but for a variety of reasons, concluded that she wanted to have a career. She went to Hunter College and then to Teachers College at Columbia. She taught for thirty-eight years in the New York school system.

Nathan: At what level?

Heyman: Practically all of it fifth grade at P.S. 11, which was in downtown Manhattan in the Chelsea district, a blue-collar district, mainly Irish and Italian. As I remember, the highest aspiration level for boys in that neighborhood was to become cops, if they didn't become criminals, or just become stevedores. I guess the aspiration level for most girls at that time was to marry cops or stevedores.

Those were the years in which teachers were quite revered, especially in lower-class neighborhoods. My mother was an exceedingly popular teacher, as I recall, but she was really the social worker for the neighborhood as well as being a teacher. That's how it was in those days. I do remember as I grew up that I thought that half the police in Manhattan knew my mother because they had been in her fifth-grade class at one time or another. Any place we went, some policeman would come over and say, "Miss

1. ## This symbol indicates that a tape or tape segment has begun or ended. A guide to the tapes follows the transcript.

Heyman, Miss Heyman!" It was fun for me. In any event, she taught for over thirty-eight years.

I was born in 1930, which was just at the beginning of the Depression. I obviously was conceived before the Depression started. I ended up being an only child, I think largely because of the economic situation. Shortly after my birth my father's business fell apart. He had a very rough time, slowly getting into a new field. The fact that my mother taught, even though during the Depression in New York, all public employees took a 10 percent cut in wages, was very important for my family, despite the fact that my grandfather, my mother's father, was a relatively wealthy person.

My father went to Townsend Harris High School in New York, which was probably the first special high school in New York. It was on the City College campus around 138th, 139th Street off Broadway. Many people who taught there also taught at City, so it was a quite wonderful school.

School and Camp

Heyman: I grew up mainly in New York on the West Side at 83rd Street and West End Avenue. I went to public school, P.S. 9, which was at 82nd and West End. You could only go through sixth grade there as a boy; you could go through eighth grade as a girl.

Then I went to Joan of Arc Junior High School, JHS 118, and afterwards to the Bronx High School of Science for a year. Then I implored my parents to let me switch to a private day school called Horace Mann, because I wanted to play football, basketball and baseball. Bronx Science then didn't have any teams. Science was located in an old adjunct of Clinton High School. It had no gymnasium or any teams. Maybe they wouldn't, even if they could.

Nathan: Were you always tall for your age?

Heyman: Yes, when I was bar mitzvah'd at thirteen, I was six foot three, and I am now six foot five, so I got most of my growth when I was young. I played a lot of sports. I was slow, but I was so big it didn't matter. [laughter]

I was thinking about those years before college, and I was trying to remember what were shaping experiences for me. I went to boys' camp from the time I was seven, and I left when I was a counselor at sixteen. I was a counselor at sixteen only because it was just at the end of the Second World War and all of the older fellows were elsewhere in service, thus I could be a junior counselor in '45 and a counselor in '46. These were very shaping and maturing experiences. They came early because I was good at athletics and relatively popular. Height didn't hurt and I ended up as one of the camper leaders during my time there.

Nathan: Where did the boys come from?

Heyman: Oh, they were upper-middle-class and middle-class kids. They came mainly from New York, some from New England, but mainly New York and New Jersey. The camp was in the Adirondacks. It was about 100 miles north of Albany, a little bit west of Lake George, at a place called Brant Lake. I look back on that time with great fondness. About ten years ago, I had the opportunity to go up to the camp for three or four days. The fellow who was running the camp then had been a counselor when I was a little boy, so I renewed a lot of old friendships. It was quite wonderful.

Nathan: Did the younger boys come to you with their problems? Was that part of being a counselor?

Heyman: Oh, no. I think probably being a counselor was largely [laughing] making sure that the kids did what they were told to do. I don't think I was ever called upon to give personal advice. It was much more leadership than anything else.

I was in the Boy Scouts in Manhattan, in Troop 500, and that was a wonderful experience too. I got to be a Life Scout; I never quite made it to Eagle Scout. It was hard to get merit badges in Manhattan, and I didn't go to scout camp where I could have gotten the balance of the necessary merit badges. But in any event, I really liked the Scouts.

Growing up in Manhattan

Heyman: Growing up in Manhattan in the late thirties and the forties was quite magical, at least in the neighborhoods that I knew. It was very peaceful. You didn't worry about crime, you didn't worry about violence. The residential neighborhoods were in some senses like villages. You knew the people in that area quite well. You knew the fellow in the grocery store, and the butcher, and the corner drugstore. It was a community. Even though I grew up in a twelve-story apartment house, I knew a lot of people in the apartment house, elsewhere, and of course, all my friends nearby.

As I recall, if you wanted your young child to be able to play sports or to get around the city, at least where I was from, you went to something called "group." Young men would take five, six, seven, or eight youngsters (ages seven to ten) out, usually on Saturdays, and you'd play ball and you'd do a variety of things. But you were supervised. I enjoyed the experience.

New York in general was a wonderful place for children eleven or older. You could travel around easily, you could go on subways when you were in your teens. I spent a lot of time in the Museum of Natural History, which was about seven blocks away from where I lived. It was right across the street from where my grandparents lived. I also spent a lot of time in the Planetarium, and occasionally other places of culture, like the Metropolitan Museum of Art where I remember being mainly interested in the Egyptian exhibitions. You could go inside structures built of stones from pyramids. I don't remember the art really as well as I remember those kinds of artifacts.

It also meant that, on occasion, parents or others would take you to the theater, and you'd go to musical shows like *Oklahoma!* and *South Pacific*.

I think one of the things that is a disadvantage of growing up in New York is that when you go to museums or the theater there you're seeing the top of the line. Thereafter, if you live someplace else, things are not as good. It's like being at Berkeley for thirty-five years and realizing when you go to other educational institutions that there aren't very many of them of the same class. New York can spoil you a bit, unless you're going to stay there.

In any event, it was very good growing up in New York City. I enjoyed most everything, and I look back at that whole period as a very positive time of life. There were hardly any failures, and practically everything was a success. I was so often in leadership positions, in the Boy Scouts, in camp, in high school, perhaps because I was so tall. It was a joy. Perhaps I became a successful politician early.

Nathan: Did you have occasion to know kids of other colors?

Heyman: Hardly at all. Most of the kids I knew were white. A good portion of them were Jewish, although I knew a lot of Christians, too, mainly through the Boy Scouts, but I hardly had any connections at all with kids of color. It was a very segregated society when I grew up in New York.

Views on Segregation, Women's Work

Nathan: It's sort of interesting that you accepted so relatively easily that integration was valuable.

Heyman: Well, I'm interested to know the roots of my passion for integration. I honestly don't know. I've thought about that from time to time, and I really don't know. Maybe in some way it came from my father, who was a very open and embracing person. It might have come to some extent because I grew up in New York at a time when segregation, both voluntary and otherwise, of Jews was much more pronounced than presently.

I know that my father in his insurance business was denied opportunities that he otherwise would have had, had he not been Jewish. He took that as a fact of life, it didn't seem to me that he was at all bitter. Maybe it's a transference from that. I honestly don't know, but whatever it was, it didn't come about because I had the opportunity to see very many black people or Asian people or Hispanic people.

Nathan: Could it have arisen possibly from your mother's experience?

Heyman: Yes, but you see, my mother's experience was largely with whites. Maybe that opened up my interest. She really cherished those children, and it could well be that that was helpful to me in embracing difference. I think for my mother there was a lot of noblesse oblige in this. In any event, it obviously was very satisfying for her.

An aside, I think having grown up in a family where my mother worked all her life, conditioned me to the potentialities of women working and having roles other than those of homemakers.

Camp for Underprivileged Kids

Nathan: That really is interesting. Someone mentioned that your parents had run a summer camp? Did I get that right?

Heyman: Well, in a way. There was a camp for underprivileged children called Camp Vacamas. My parents were hard workers for a variety of charitable causes. In the late thirties they also worked very hard for the Fusion party in New York, from which Fiorello LaGuardia emerged. So they were very engaged in a variety of activities, one of which, and it became the dominating one, was this camp for underprivileged children. They raised a lot of money for it, and they were in the governing structure of the organization.

Later on, after my mother left teaching, she ran the office of the camp as a volunteer. Both my parents were very engaged with the camp. I was a counselor there once when I was seventeen. Thereafter I couldn't, because I went into the equivalent of the ROTC in the Marine Corps. I went to the marine camp for summers.

There is no doubt that my instincts regarding responsibilities come from my parents, from those contexts.

Local Politics

Nathan: Did you hear a lot of talk about politics at home?

Heyman: Yes, I did. I certainly heard a lot about local politics. It was very strange. I think my parents were what one would have called liberals in the seventies, but my father was a Republican-- a New York Republican. There was a very expansive liberal wing of the Republican party in those days, especially in New York. I worked for one member, Irving Ives, who was a senator and then ran for governor. Later came Rockefeller and Keating and others who were well to the left of the center of the Democratic party now. My father was that kind of a Republican.

Also, it was hard then to be in New York City and believe in good local government and be a Democrat. This led my parents to work so hard for LaGuardia, who was not a Democrat, but ran as a Fusion candidate, Fusion being the coming together of all of the opponents of Tammany Hall. On the other hand, my grandfather was part of the Democratic establishment in New York City. But my parents rejected the Democrats, and both worked very hard, as I indicated, for cleaning up New York City government, which was always difficult. Perhaps this was their youthful rebellion.

Bicycling across New York State

Nathan: It must have been interesting to grow up in the Tammany era. Did you do any traveling as a school-age boy?

Heyman: Not much, but I did one trip which was interesting. I rode my bicycle with another fellow from New York City to Buffalo, and then across New York State.

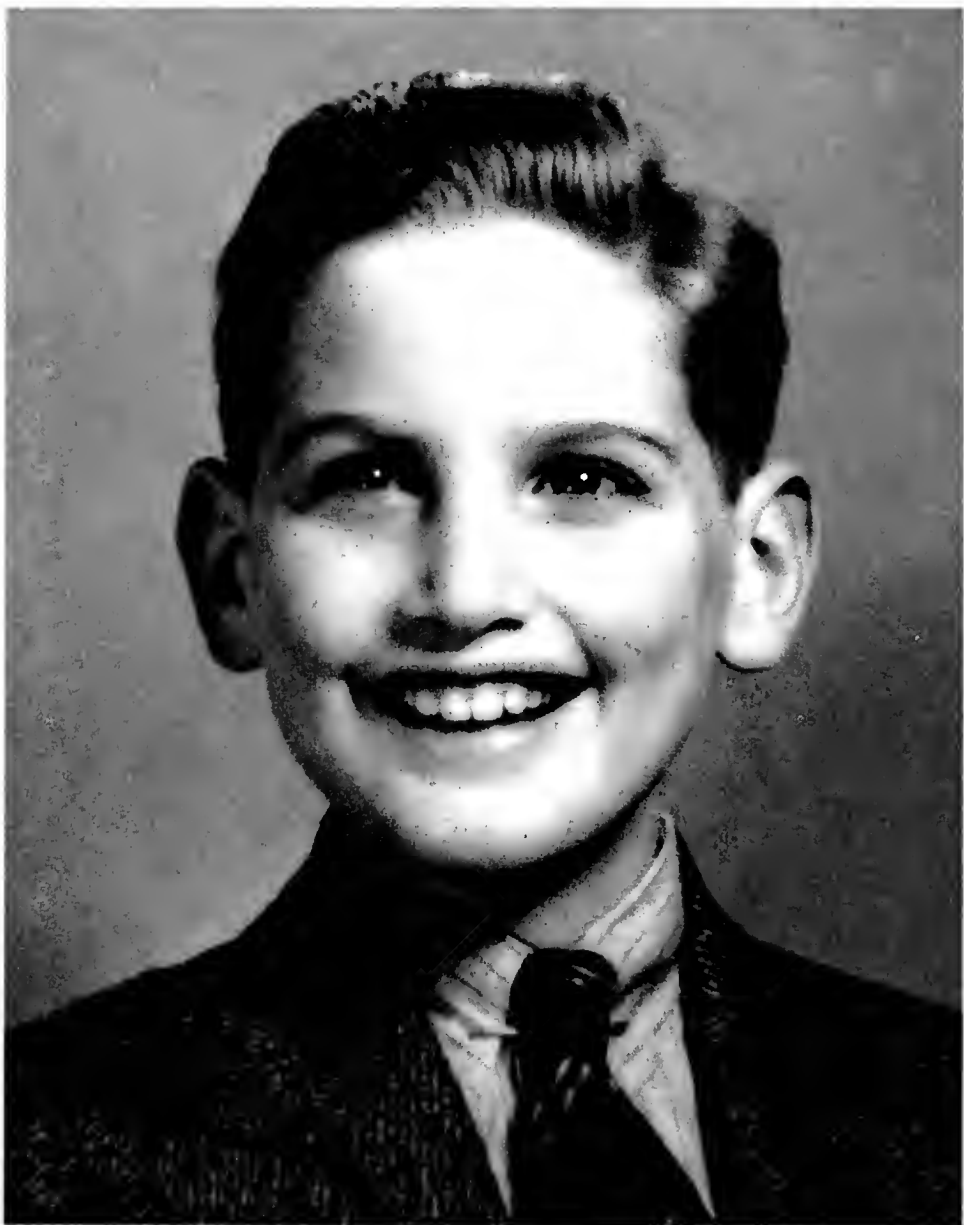
We were fifteen years old, but our parents allowed us to do that. It is nearly inconceivable that we would be permitted such a trip now. The roads are probably more dangerous, although I'm not absolutely sure of that. The general environment, however, seems more threatening.

Interestingly, our parents didn't have serious fears of our getting into trouble. Another factor was that in the middle of a war, younger adolescents grew up a lot faster because the older ones weren't around. Thus, as I said, I became a counselor at camp at a much younger age than would occur now. One migrated into positions because there were no others that could take them.

Nathan: Interesting. That perhaps also suggests that they trusted you a good deal.

Heyman: I guess they must have. [laughs] There are a few things I'd like to mention. In retrospect, high school was a grand experience. I put in a lot of time at Horace Mann in athletics and school politics, as class president and then president of the student body. I thought that I worked hard academically, although early college experience indicated otherwise. And I met my future wife at a summer camp dance when we were both thirteen. We married seven years later after spending a good deal of the time together as teens.

Nathan: As we move along, if you have other thoughts about your school days, just plug them in.



Young Mike in 1940, New York City



Mickey Heyman, 1946, captain of the Horace Mann School football team

II. HIGHER EDUCATION, 1947-1951

Dartmouth College

Nathan: So you got through high school all right, and then are you ready for Dartmouth?

Heyman: I went to Dartmouth largely because my father had wanted to go there. [laughs] It was a satisfying experience for me, but perhaps not the grandest. It was very hard to get into college in 1947, when waves of veterans were coming back. It's much like today, you rejoiced if you got in.

I can't remember the other places to which I applied. I did get into Dartmouth, and so off to Dartmouth I went.

Nathan: Your high school grades, I gather, were satisfactory?

Heyman: Oh, my high school grades were fine, and I've always tested well, so my SAT was very high. I remember my LSAT was very high too, the same kind of test. There were two honor societies at Horace Mann. One was grades and leadership, and the other one was athletics. I made both.

I did have a very interesting and somewhat depressing experience at Dartmouth in relation to grades. Dartmouth gives a prize to the high school whose graduates in the first semester have the highest composite grade-point average. There were six of us from Horace Mann and "we" won, and the plaque with all our names inscribed is at the school. But I got four C's and a D, so you can imagine how well the other five performed.

Work Habits, Faculty

Heyman: Receiving that horrible set of grades was a major event in my life. I was utterly shocked; I was absolutely blown away. It was fairly apparent, even to me, that it happened because I hadn't studied in the way you have to study in college. So I worked my tail off the next semester, and I think I got three A's and a B or two. So the incident woke me up to what the requirements were at college. Somehow my classmates from high school knew that before I did.

In retrospect, I think it was very worth it, because I learned something about necessary work habits to perform adequately in higher education. Dartmouth was not academically as good and as demanding then as it is now. Now it is one of the premier undergraduate colleges in the United States. But then, it was not as good as some, but it was still mighty good.

That was a great learning experience for me. Sometimes people don't learn about work habits until they go to graduate school, but I learned then. You could have exactly the same experience at Berkeley, and many do.

Nathan: Yes. Did you gravitate to certain fields more than others?

Heyman: Well, I seemed to. In those days there were distribution requirements: you had to take a science, a social science, English, a foreign language and electives. I became very interested in social sciences and ended up majoring in government.

Nathan: Were there any professors who were especially influential?

Heyman: There were two. One was a man named Robert Carr from whom I took a course in constitutional law. I treasured that, and I knew him personally pretty well. He left a few years after I was graduated to be president of Oberlin. (Interestingly, his son is married to a curator at the Smithsonian. He looks exactly like his father and you can imagine my surprise when I met him.)

Intern, Legislative Assistant for Senator Ives, 1950-1951

Heyman: The other professor was a man named Donald Morrison, who taught administrative law and practice. He was also the dean of the faculty, which would be like the dean of the College of Letters and Science here at Berkeley. He was one of the most instrumental people in raising Dartmouth academic aspirations. He demanded demonstrated excellence in faculty recruitment and tenuring. He took a special interest in me, resurrected a fellowship which hadn't been granted for many years and thus was forgotten, and induced me to take it. Thus, I spent my senior year in Washington, rather than in Hanover, and worked for Senator [Irving] Ives.

Nathan: What an opportunity. Would this be a good time to talk about Ives a little more?

Heyman: Sure. At twenty, I go to Washington as an intern in a thinly-staffed office of a United States Senator from the country's most populous state. The senator had an executive secretary, an administrative assistant, and twelve stenographers as his professional staff. They used a machine that could duplicate a letter again and again and again. That, with the mimeograph, was the most automated system in the office.

Given the paucity of staff, I soon was given a lot of responsibility. About two months after my arrival, the senator took me on as a regular legislative assistant. Again I was given the opportunity to do senior work as a young person because of personnel shortage.

Nathan: Research?

Heyman: Yes, but everything else as well. The senator was a member of the Banking and Currency Committee, and Labor and Welfare. The administrative assistant covered Banking and Currency, and I staffed Labor and Welfare. I also saw constituents, answered mail, and did a variety of other tasks.

[1B]

Heyman: For instance, I talked to many lobbyists. I did all the things that a major legislative assistant would do. These days, senatorial offices have very large staffs; ours was tiny.

Senior Thesis, Junior Year

Nathan: Did your having lived most of your life in New York help you at all?

Heyman: Well, it did, yes, but what helped me more than anything else is that in my junior year at Dartmouth I wrote my senior thesis on politics in New York State. As a lark, I decided to finish my major in my junior year. So I went ahead and took courses and only thereafter sought permission to file the thesis and take the comprehensive exam.

The thesis, which won a prize, covered all sixty-two counties in New York State, and analyzed how politics worked in each, how the politicians came together and affected one another, and what the state legislature was like. I did a lot of interviewing in its preparation. The thesis helped me a lot in Washington, because it taught me a lot about New York State politics in a very disciplined way.

Nathan: What a remarkable grasp, somebody twenty years old as an authority.

Heyman: Yes. I still don't understand why I accelerated the process. I had no idea about the potentialities of a fellowship or doing any internship. I think I contemplated a senior year that was footloose, because I would be freed from all requirements. Let's do the work first, was my view. But of course, that acceleration made it more sensible for me to be chosen for that fellowship. After all, I had finished my major.

Nathan: You were an accelerated guy.

Heyman: Well, I think that's true. In grade school, in that era, you could skip a grade, and I skipped two, which is why I was seventeen when I went to college and why I was twenty when I went to Washington.

Dartmouth Radio

Nathan: Amazing. I wondered when you were on campus at Dartmouth, was there such a thing as student government?

Heyman: Yes. I didn't do anything in student government. I did some work with the radio station, and I ended up for some reason as chief engineer. What a strange job for a government major, but at least I knew enough to keep the station on the air. My roommate was a fellow with whom I had gone to high school, and his father had a radio show in New York called "Rambling with Gambling"--

Nathan: Gambling?

Heyman: Gambling. His name was John Gambling, as was his father's. Then later, John inherited the show and has made a career of it. His son now has the program, so the family is a fixture in New York. It was through John that I got interested in the radio station. He was eventually the station manager.

Then I did some athletics, although I think all of this was complicated a lot by the fact that Therese, my wife-to-be, was then at Smith College, only 100 miles south of Hanover. I spent a lot of my time there.

Nathan: You had your priorities.

Heyman: Yes, that's right.

Nathan: This thesis of yours, did it give you kind of a grasp of regionalism, or am I straining?

Heyman: I think you're straining a bit. I don't think so. I don't remember it from that perspective. It might have in some subliminal way, but I didn't think of it that way.

III. MARINE CORPS AND RESERVE, 1951-1958

Nathan: Well, maybe we can get you into the military?

Heyman: As I indicated, at Dartmouth, for reasons that are still a mystery to me, I joined the Platoon Leaders Class, the PLCs, in the Marine Corps. As a PLC, I went to the marine base at Quantico, Virginia, for six-week training camps, between sophomore and junior and junior and senior years.

Korean War

Heyman: Then the Korean War started, and it was clear that I was going to get called up at the completion of college. As a matter of fact, in Ives's office I called up the Marine Corps and said, "I have a question from a constituent about when you think he's going to get called up," so they told me. They were right. I got called up to active duty in June following graduation after that year with Ives.

I remember when I got the news that I was going to get called up, I went and saw Paul Douglas, who was then a senator from Illinois. He had been in the Marine Corps in the Second World War. He was an older person at the time who got a battlefield commission. He was absolutely enamored with the Marine Corps. When I told him that I was being activated, he just put his arms around me, gave me the biggest hug, and told me I was the most fortunate guy in the world. In many ways that turned out to be right.

Marriage to Therese Thau

Heyman: Given the news, Therese and I decided, over some parental objection, that we wanted to get married in the middle of that year, while I was with Ives and she was still at Smith. Reluctantly her parents said okay, but on condition that she finish college. So she did,

and we commuted for five months following our marriage in December of 1950. When I went into the Marine Corps, we lived in Washington, because I went back to Quantico, where the officers training school was. She actually worked for the CIA for about six months before we were sent out to California.

Nathan: I'd like to ask you a question about the spelling of her name: does it end in an E?

Heyman: E [spells]

Nathan: But you pronounce it "Tereesa?"

Heyman: I pronounce it "Tereesa." She now pronounces it "Terez" or "Tereza." In any event, I've called her "Tereesa" for so long, I can't get out of the habit.

Nathan: Since thirteen.

Heyman: Well, in those days, she was Terry and I was Mickey.

Nathan: That's perfect.

Assignments, Responsibilities

Nathan: So how was it in the marines for you?

Heyman: Oh, I loved the Marine Corps. The responsibilities helped me grow up even though I never went overseas. After Quantico we went to Camp Pendleton here in California. It was the first time I had ever been in California. Therese had been once before. Camp Pendleton is just north of San Diego. I was assigned as a platoon leader in an automatic weapons company. We went to El Paso for a bit where I attended artillery school at Fort Bliss, an Army base. There were four of us from the marines who went. We had a wonderful time and spent practically every evening across the border in Mexico. Then we came back to Camp Pendleton.

I went out to Twentynine Palms in the Mojave Desert when that base was opened, and helped develop our armaments into weapons that could be used in close support of infantry. I spent most of my time in the Marine Corps working first as platoon leader and then as a battery commander getting the weapons ready for combat.

After I was discharged, my battery went to Korea. At that age, I thought it unfortunate to miss a combat assignment. In retrospect, it was obviously quite fortunate. The Marine Corps was a great experience. Soon before the end of my tour (twenty-six months), the commanding general at Camp Pendleton, whom I had gotten to know somehow or another, called me in and gave me a real pep talk about staying on in the regulars. I was very tempted, but Therese said, "Not me." [laughs] So home we came.

It's just as well, but it's a reflection on the fact that I was very comfortable in the corps. I look back on the experience as a period of great maturation. I was responsible for over 250 men, as a twenty-year-old. That is considerable responsibility.

I learned a lot, especially about people. I understood, perhaps for the first time, about the essential wisdom of people who are relatively uneducated. I had noncommissioned officers in my platoon and battery, including the top sergeants, who were not educated men. Many had come from the South, they were old-timers in the Marine Corps. They had enlisted during the Depression, because a military career was available and offered security. They were some of the wisest men I've ever known. I had an enormous amount of respect for them and their judgment and their intelligence.

Military Mentality

Nathan: The whole idea of the hierarchy and discipline and so on, how did somebody with your personality fit in?

Heyman: It didn't trouble me at all. I was a benign dictator. I really was, and I never got into big trouble. There was one especially negative incident that I remember with great sadness. I had a cook in my battery who was a Mexican American from El Paso, a relatively slight and young fellow. He got arrested on the beach at Pendleton in a homosexual encounter with another marine. The military justice system crucified him. I protected him as best I could. I was trying to get him an honorable discharge or a medical discharge, but I struck out. He was given a dishonorable discharge and he was taken to the front gate of the base where they stripped the buttons off his uniform, as they did in those days, and sent him off on the road. It was especially sad for this youngster because the Marine Corps was his life. It was the first time that he had ever felt like he had a family. It was just awful. It was terrible. I remember that incident as the one time I really clashed with authority. I did everything I could to frustrate the authority, but I was unsuccessful. I still remember that with great regret.

Nathan: It says something about the temper of the times?

Heyman: Oh, yes, and it says something, too, about the mentality of the military in relationship to homosexuality. It hasn't changed much, although the response is now more moderated. But the official retribution was fierce.

But in general I really liked the Marine Corps.

Nathan: Let's see, you were a first lieutenant and captain in the reserves. Are we ready to go into your entering into law? Is there more that we should talk about first?

Heyman: No, I think we're ready for that.



Wedding of Therese and Michael Heyman, December 17, 1950 at The Plaza Hotel, New York City

IV. LAW SCHOOL, 1953-1956

Choosing Yale

Nathan: Oh, fine, let's do that, and then I want to get back to Yale Law School.

Heyman: Yes, I will, but as a prelude to Yale, I was offered a regional scholarship to the University of Chicago Law School before I went into service. I was treated as a New Hampshire resident because I was an enrolled student at Dartmouth. But before that award I had applied to Yale and then was admitted. As I said, I had a great LSAT score, and my eventual grades at Dartmouth were pretty good even though I had to overcome that terrible first semester.

It might be that Yale took me because they thought that they were going to lose many of their entering class to the draft during the Korean War, and consequently admitted more applicants than normal. The draft, however, became irrelevant because deferments were given for graduate school. The law school ended up with a huge class, of which, of course, I wasn't a part, because I went on active duty with the marines.

When I got out of service, the question was whether I'd go to Chicago or I'd go to Yale. I had the G. I. Bill, and I decided to go to Yale for many reasons: largely its sterling reputation was important, and I didn't know very much about Chicago (of course, it too is a wonderful law school). Yale had to take me because they couldn't turn down a veteran whom they had admitted previously. So I waltzed in.

Therese, Teaching, and Studying

Heyman: New Haven turned out well. Therese taught at a private school in New Haven, and then went on and got her master's degree in the history of art at Yale. She was very engaged.

I worked pretty hard at law school. I got good grades and was chosen for the *Law Journal* at the end of the first year. In those days you were chosen solely on the basis of grades. I ended up somewhere in the middle of the top quarter of the class.

Yale was a fine place to go to law school. It prided itself on not appearing to be competitive, but most of us did a lot of work. But it was very friendly, and the curriculum was broad. Thus it had a lot of openness and intellectuality was prized. Many other law schools were very professionalized. Yale clearly was not that. While it produced many practicing lawyers, others of us went into alternative careers: education, government, and business. I thoroughly enjoyed those years and learned how to write decently. Some of my closest friends are people with whom I went to law school. I don't think that's unusual.

Student Quality

Nathan: How did you feel about your fellow students? What was their intellectual level?

Heyman: Yale Law School is very selective, probably the hardest law school to enter in the country. So the quality of the student body was, and is, very high. What distinguishes Yale from a number of other schools is that the quality goes all the way down to the bottom of the class. Thus the lowest quarter at Yale Law is very, very smart. That distinguished it from, for instance, Boalt Hall (UC Berkeley) when I first started teaching here. The top half of the class was competitive with anybody, but then it tailed off. The same was true at Stanford when I taught there. Now other law schools, like Boalt, go much deeper than they did when I first started teaching.

In addition to intellectual power, a good number of the students at Yale were quite broad culturally. They knew much more about music, art, literature, philosophy, and economics, than I found at Boalt. But first class schools like Boalt have caught up considerably in these regards too.

One thing that has changed at Yale and elsewhere is diversity of the student body. For instance, there were four women in my class, two of whom were graduated. Now, of course, it's like all other law schools, it's about half women if not more.

Nathan: Big change. It's interesting that you mention that so many of the people you knew became law professors, rather than political figures, in a sense. Is that right?

Heyman: Yes--well, there are politicians too. One classmate, Senator Arlen Specter, made an unsuccessful run for the presidency. And there are others who have served in elective offices. But yes, while it's not so true in my class, over a long period of time, the proportion of people graduating from Yale who have taught is greater than in other law schools.

Would you let me rest for a moment?

- Nathan: Absolutely. [tape interruption]
- Heyman: Well, I was reminded, walking around this room and looking at all these books, that I went through a great jag in my life from the age of about thirteen to sixteen during which I read American novels voraciously¹. I read the then-moderns, like Steinbeck and Hemingway, and then I read Dreiser, and I read Willa Cather. I just read and read and read. I remember how popular Thomas Wolfe's books were. He touched so many of us deeply, perhaps because he was nearly a contemporary.
- Nathan: He just went on and on and on.
- Heyman: That's right: *You Can't Go Home Again* and *Time and the River* and so many more. I read those books with great appetite.
- Nathan: It's very interesting that you had this impulse.
- Heyman: Yes. There was no television, of course.
- Nathan: At Dartmouth, you mentioned some excellent and influential professors. How about Yale?
- Heyman: Well, you know, there were many people whom I admired enormously, but they didn't play very much of a role in my life, other than being what I thought were great teachers and very smart people. But I was older then. I was twenty-three when I came back from service. I had been out in the world. I had led troops. I had been married for over three years. I was fairly adult. So I really wasn't looking, I suspect, for people upon whom to model my life.
- When I started teaching, however, I adopted mannerisms and styles of people whom I admired as teachers. So at that point, models came to mind, but not when I was in school.
- Nathan: By the time you got your J.D. in 1956, were you aware of national political currents and issues of the day?
- Heyman: I must have been, but I don't think I paid very much attention to them.
- Nathan: I was thinking of the McCarthy era, for example.
- Heyman: Oh, I can tell you things about the McCarthy era. I'm glad you mentioned it. When I worked for Senator Ives in 1950-1951, McCarthy was rising in prominence and was seen as the epitome of the Evil Empire (had there been such a thing at that time). I remember well a related incident. I went to listen to Budd Schulberg, a Dartmouth graduate who had written *What Makes Sammy Run*, testify before the House Un-American Activities Committee. He apologized for "subversive" associations in the past and named names, many of whom were thereafter blacklisted in Hollywood. I was

1. The Strouse Room in The Bancroft Library, where the interview is taking place.

appalled. I wrote a column for the *Daily Dartmouth* about it, but my condemnation apparently didn't move many.

Student Stereotypes

Heyman: Which also reminds me that when I was at Dartmouth, Dartmouth was very conservative, and the student body had few liberals.

The students, in general, prized the outdoors, athletics, and fraternities. Most (not all) seemed politically conservative. Most of them, at least I believed at the time, took on the coloration of their parents. I must say that reading contemporary biographies of classmates shows a breadth of socially responsible activities during their lives that has undercut my juvenile stereotyping.

I got to be friends with a fringe group of about fifteen people who saw themselves as radicals. Of course, we were what would be moderate Democrats in the present day. We nearly got ourselves in trouble when we sponsored Paul Robeson to come and sing at Dartmouth. The American Legion in New Hampshire went out of its mind. For reasons that I cannot remember, Robeson turned down the invitation.

That reminds me of an interaction I had with Senator McCarthy. I was rushing onto the Senate floor one day to give Senator Ives a message, and crashed into a man when I entered the chamber. We both fell down, and it was McCarthy. He got up and he very solicitously helped me up and brushed me off and apologized. I didn't know what to do. That wasn't how the devil was supposed to act.

Nathan: Just for a moment, you were mentioning that there was some sort of a model person for each of these three private universities. You were, I guess, suggesting that there is no model for Berkeley?

Heyman: I agree. Maybe it's just that I know Berkeley a lot better. But, as I suggested, when I went back for my twenty-fifth reunion at Dartmouth, I found a whole group of classmates I did not know well during college who didn't fit my model at all. So it was a much more heterogeneous place than I thought.

V. THE PRACTICE OF LAW

Nathan: Let's see. I think we're ready now to go on to the practice of law. You passed the state bar, obviously, in New York?

Heyman: Right.

Nathan: In '56. How was that for you?

Heyman: Well, I surely didn't want to flunk it. Another classmate and friend and I left our wives in New Haven and came down and occupied my aunt's apartment in New York. She was away somewhere. We worked for six weeks, preparing for the bar exam, going home on weekends. We attended a bar review course that was on its last legs. There were only twelve of us in the course, which actually was quite advantageous.

[2A]

Heyman: My friend had a relative who worked in the bar examination office. He called her after we both had been notified that we had passed the exam. He asked about our ranking, which normally was not given out. We were in the top four or five of those who passed. All the hard work in preparation obviously paid off.

Nathan: You made it.

Heyman: I made it.

Carter, Ledyard, and Milburn

Nathan: Were you interested in practicing?

Heyman: Oh, yes, I clearly wanted to practice, and I wanted to practice on Wall Street in a traditional firm of a sort that historically hired few if any Jewish lawyers. I got an offer

from Carter, Ledyard & Milburn, which was first rate, but very "white-shoe." Franklin Roosevelt had been an associate in the firm before he went into politics.

Carter, Ledyard did a lot of estate work for quite rich families and represented the United States Trust Company, a gilt-edged trust company with those kinds of clients. But it also represented the American Express company, a number of railroads, and other diverse clients.

I had an exciting time in practice there. The only shortcoming about the job was that Therese was in the midst of graduate study at Yale, and I was commuting from New Haven to New York nearly every day on the unreliable New York, New Haven, and Hartford Railroad. I took the five [minutes] to seven train every morning into New York, and came home about eight or eight-thirty, when the trains ran on time.

Once, or sometimes, twice a week I stayed over with my parents in New York on those evenings that I had to work late. The commutation, however, was certainly worth the reward that Therese enjoyed and led to her future career.

At the end of my first year at Carter, Ledyard I was asked by Chief Judge Charles Clark of the Second Circuit Court of Appeals to be his law clerk for the term. Clark had previously been dean of the Yale Law School, but kept teaching a procedure class to the first-year students, of which I was one thereafter. The judge's chosen clerk for that year was called up on active duty in the air force at the last moment. The judge asked me to be his substitute.

The opportunity was too good to refuse and my law firm was willing to give me a leave of absence. Thus I avoided continued commuting and had a challenging job.

Responsibility for a Complicated Deal

Heyman: When I went to Carter, Ledyard it was a small enough firm in today's terms, some twenty-five attorneys. That meant that as a new associate I was given a lot of responsibility early, much like what occurred in my teens.

A good example occurred in my second month there. The firm represented a lender that agreed to a loan of \$1 million (a considerable amount in 1956) to a privately-owned aircraft company. As part of the security for that loan, the owners pledged their interest in some personal trusts. This whole deal was being handled by a very senior associate in the firm who really knew what he was doing. I was carrying his briefcase to meetings.

All of a sudden, my senior attorney's mother became extraordinarily ill and he had to leave. We were about to close the loan, and I was the only other person in the office who knew anything about it. The day before the closing, our corresponding attorneys in Illinois told us that the interests in the trusts were not assignable under Illinois law. "What was I supposed to do?" I couldn't get hold of my senior, nobody else in the firm had any idea of what was going on, (or cared particularly, as far as I can recall), so I had

to go and counsel with the company. Here I am, two months out of law school, and shouldering a lot of responsibility. Well, the client decided to go through with the closing, and everything eventually worked out all right. But I spent many nervous hours in contemplation of a disaster.

I had another experience soon thereafter which illustrates the same point and was the most interesting thing that happened to me in law practice. Well before I came to the firm, a fellow had come to the reception desk and had asked to see a specific associate. The visitor was dressed in old clothes and didn't look at all prosperous (an unusual client for Carter, Ledyard). But the receptionist called the associate, he came up to see the man, and he decided to talk with him in his office. The client said he wanted a will and the associate agreed to draft it for the usual fees. The client refused to disclose anything about his assets. He simply wanted to name beneficiaries to receive percentages of his estate. Mainly the beneficiaries were charities in Maine. The will was drafted, the client paid the bill, and every year thereafter the associate would get a bottle of whiskey or something for Christmas from the client, but no further information.

A few years later, all of a sudden this associate was called and told that the fellow who had made the will had died. He had been found dead from natural causes in a third-rate hotel in Brooklyn. But the person who called was the vice president of a prestigious New York trust company which had been named in another document as the executor of the will. Well, it turned out the client had owned where Stuyvesant Town is now located in New York City, and had died with assets of over \$14 million. He had been a recluse and a very strange man.

On-site in Maine

Heyman The client had come from a small town in Maine. He had a lot of property up there, as well as all of these other assets. He had left the money to a nearby hospital and to the Damon Runyon Cancer Foundation. Those were the two primary beneficiaries. I was sent up to Maine with a representative of the trust company to try to deal with his properties there. The town had less than 500 inhabitants and was in a very rural area.

The executor and I tried to find out what was going on, but literally nobody would talk with us. Maybe I could break through, but it wasn't going to work with the trust company representative who dressed formally in suit and vest.

Discouraged, the executor left, but I stayed nosing around. The next day I went over to see the First Selectman, who was a farmer, but he was out in the field with his son. I sat down with his wife and their daughter-in-law and we started talking about the client. They started telling me about him. After talking for a while, we looked up, and there was the First Selectman in the doorway just listening. He decided I knew so much, I might as well know it all. So they let me in on the story.

The story was that a good number of the town's older people, essentially half the town, were on the client's dole. The textile factory owned by him was no longer in production. But he had made no provision for them in his will. Luckily, as it turned out, the Damon Runyon Cancer Foundation responded to the problem eventually and allowed a portion of the dollars willed to them to be put aside for twenty years with the income to go to the support of the indigents.

That was an extraordinary experience for me, because all of a sudden I became the person on-site and it worked out really well.

Research, and a Memorandum

Heyman: And then there were a number of other matters at the firm in which my legal skills were important, but I think as important was sustaining personal relations that permitted the legal skills to be used. Relatedly, I remember an encounter at the very outset of my time with Carter, Ledyard with one of the most senior people in the firm, a very austere man, an old-time New Yorker from a very important family and a very, very good lawyer. He asked me to research a problem, and he gave me the facts and the questions involved. I researched it and wrote him a memorandum.

About ten minutes after the memorandum was delivered, he called me to his office and for a day he fought with me about the outcome of my memorandum. He just couldn't accept it. I stuck to my guns, because I really believed I was right. It turned out later, as I found out, that he had given somebody advice off the top of his head which was to the contrary to my conclusions. [laughs] I remember that quite well, and I'm really glad I stuck it out. We got along very well thereafter, but I had no idea why I was being given such a hard time.

Nathan: It's all kind of novelistic.

Heyman: Yes, it really is. You could write great novels.

VI. LEAVE TO SERVE AS A LAW CLERK

U.S. Second Circuit Court of Appeals

Heyman: In any event, that year was good. But then as I said before, I took a leave of absence to clerk for the chief judge of the Second Circuit Court of Appeals that covers New York, Connecticut and Vermont.

Nathan: And you were in Connecticut then.

Heyman: Well, his chambers were in New Haven, but he came down to hear arguments one week a month in New York. Otherwise, he was in New Haven in the federal courthouse. I was lucky that he had just become the chief judge of the circuit. It was the most active federal circuit, and it had extraordinary judges. Learned Hand was a senior judge then, but he was still sitting. Augustus Hand, his cousin, and Jerome Frank, who was also a professor at Yale, were on that court. And Carroll Hinks, I recall, who seemed like an ordinary judge in that company; he was very bright. The competition was extraordinary. And there were others--Sterry Waterman and Edward Lombard were two. It was probably the strongest appellate court in the United States at the time.

Tradition, Starting with Oral Argument

Heyman: I remember "my" first case. Unlike other courts, the judges didn't see the briefs in a case until the oral argument. In most courts, the briefs come earlier and law clerks do memoranda and the judges go to oral argument armed with the clerk's analysis. But the tradition in the Second Circuit was otherwise--the first time the judges (and their clerks) knew about the case was when the argument started, and briefs were distributed at that time. That put a lot of emphasis on oral presentation. After argument, the judges wrote memos to each other communicating and justifying their tentative conclusions.

Nathan: How large was the panel?

- Heyman: Three. The first case I saw involved a very complex patent dispute. Judge Clark said to me, "Write a memo on this case." I asked, "How do you want to vote?" He said, "You deal with that. Let me see what you say." So I worked and worked and worked on this matter, and I sent a memorandum to him with a great deal of nervousness. About four minutes later the buzzer rings, and I go in. He looks at me and he says, "We'll get along fine." [laughter] So from then on, it was a ball, but I didn't really know how our relationship was going to go before then.
- Nathan: There's a lot of risk in that venture.
- Heyman: Oh, absolutely. But that was a very good year, and the judge and I got to be very good friends. He was obviously a much smarter lawyer than I; but I was a pretty good political advisor, so I could be helpful, not only as a law clerk, but as a confidant and consultant on how to run the circuit, a responsibility of the chief judge.
- Nathan: Well, you had had a lot of life experience.
- Heyman: Yes. Judge Clark was a wonderful man. In retrospect, he reminds me a lot of Al Bowker--craggy, smart, experienced, and pragmatic. Of course, Al is also a wonderful politician.
- Nathan: This method, just for a moment, that you described, of these judges hearing argument first.
- Heyman: Yes.
- Nathan: How would you evaluate that against the other method you described?
- Heyman: I think it's more exhilarating, but I think that getting the briefs in advance and doing it yourself or having your clerk do a real analysis of it arms you to ask better questions at oral argument. Attorneys don't have to waste their time briefing you about the facts in the case. The judges then can ask much more sophisticated questions. Except that the judges on the Second Circuit were so smart that it didn't make much difference. But you have to have a very superior group of judges to take advantage of oral argument in this way.
- Nathan: What an experience.
- Heyman: It was really good, yes. I enjoyed it, and it was a treat being in New Haven. We had been living there then four years when I did this, so we felt pretty much a part of that community.
- Nathan: Now, let's see. That was '57 and '58. And then--.

Chief Clerk for the Chief Justice of the United States, 1958-1959

Heyman: Then Therese and I were visiting my grandparents in Florida over Christmas vacation, and when I got back to the office there was a message to call the chief justice. I said, "What is this all about?" There was another message from somebody at Yale Law School. So I called Yale first, and was told that they had put me in for a clerkship with Earl Warren, but they hadn't thought to ask me or tell me they were doing it.

In any event, I called the chief, and he said, "Come on down here, I want to talk with you." So I came down, and we had a long chat. He said, "Well, I'd like you to be a clerk." I said, "Well, I've got to ask my firm." So I went to Carter, Ledyard, and I said, "You fellows won't believe this, but--" and they said, "Sure, you can do that."

Nathan: Well, it didn't do them any harm.

Heyman: No. That was fine. So off I went.

Nathan: Had you ever met Earl Warren before?

Heyman: No.

Nathan: You didn't know a lot of Californians at this point?

Heyman: Just the few I had met in the service and some friends of my parents and some acquaintances at Dartmouth. But I had thought very seriously about staying in California and going to law school when I finished in the marines. Therese and I really liked living here. Actually, I didn't know about the University of California or what it meant. I just knew Stanford. So I applied to Stanford, and they accepted me, but then I decided I would go back to Yale. So I nearly stayed; I thought seriously about staying, but I didn't.

Nathan: I see. Shall we return to Earl Warren?

Heyman: I think what he wanted was a chief law clerk who had experience as a Court of Appeals clerk. The chief justice names one of his clerks as "chief," and that person has various duties in addition to those of the other clerks. For instance, he briefs the clerk of the court, schedules luncheons for all the clerks, and arranges for visitors for each luncheon. The combination of my having worked with Charles Clark, who was a very strong judge, and having been a marine clinched it.

Nathan: How did Earl Warren come across to you?

Heyman: He was a fine man for whom to work. He was still the governor, in a way. He was very patient about listening to the clerks' arguments, and he would talk them through with us. But once he decided what he wanted to do he expected his clerks to fall into line. So you got a fair hearing and actually disagreement was rare after a while.

Warren had three clerks, and we all got together for the discussion of the case that had been argued. Once the chief decided what he wanted to do, the clerk who had prepared

a bench memo on that case did whatever the chief directed. You drafted a concurrence, a majority opinion or a dissent in accordance with an outline communicated by the chief.

The clerks didn't see too much of him otherwise, except on Saturday. We all worked Saturday morning, and then in the afternoon we all went out together. We went for a long lunch, or we went to a ballgame, or we did something else. He treated us much like sons, and that was a lot of fun. He reminisced at great length about California, and his days as governor, attorney general, and district attorney of Alameda County. We learned a lot from him.

With Judge Clark, who was somewhat gruff seeming, the clerk did a lot of the research in his office. He had all the federal reports in there, most of the books one had to read. After a while of doing this, if you came across something interesting, you'd interrupt him and the two of you had a good conversation about the issue. He was absolutely wonderful that way.

The chief was much more bureaucratized. He had much more responsibility, as the chief justice of the United States, and a lot of administrative responsibilities. There wasn't that much opportunity for conversation about legal matters irrelevant to the case at hand. But there was that time each week, which was very rewarding, and there was a lot of personal contact with him on Saturday.

Nathan: Did you see him in his role as the leader of the court, or one who sought to get agreement?

Heyman: You didn't really see that much. Whatever anybody wants to say, the clerk plays a subordinate role. With Warren, at least, you were not very much in the politics of the court. He did not discuss these matters with us. It was a little different than with Judge Clark, for the reasons that I stated. So I never knew those kinds of things at all. I rarely knew about interplay between the justices, except occasionally when an encounter was replayed at lunch with the law clerks of the other justices.

One of the things that's so exciting about clerking at the Supreme Court is that there are clerks of the eight other justices who are working on exactly the same matter as you. So you can have rarified conversations with very bright people who have put in a lot of time on the same issues. I enjoyed that aspect of clerking a lot. I learned a lot of substance and in general I learned an enormous amount about how appellate courts work.

Nathan: By the time you came to the end of--let's see, was it a year's appointment?

Heyman: One year, right.



Former law clerk Mike Heyman with Chief Justice Earl Warren in 1960

VII. JOINING THE FACULTY, UNIVERSITY OF CALIFORNIA, BERKELEY, 1959

Successful Recruiters

Nathan: And then you had a decision to make?

Heyman: Well, I had to decide whether to go back to the firm in New York, which had a lot of allure, or to go into academic law. The decision was helped by our reluctance to live in New York and our positive recollections of California. Boalt came to Washington recruiting very hard that spring. The chief worked on me about Cal, and Judge Clark had pointed out the joys of being a law professor. Barbara Armstrong visited and really pitched me, much at the chief's stimulation. Others came too.

The person who was most persuasive was Frank Newman, who was not then dean, but who was on the faculty. In any event, I took the job without ever visiting either Berkeley or Boalt.

Nathan: Well, they really wanted you.

Heyman: Yes. But I had no idea what this place was like. [laughter] I had no idea at all.

Nathan: You went off the edge of the world?

Heyman: That's right. I really felt that way when I got off the freeway and started driving up University Avenue. Therese and I looked at each other and said, "What have we done?" [laughter] Of course, it improved a lot as you went east.

Nathan: Got greener?

Heyman: Well, at first you didn't know how delightful this place can be.

Nathan: Right. Let's see. We have a few more minutes, if you'd like to talk about getting into your teaching responsibilities at Berkeley.

- Heyman: You might be amused by one story. I got a letter from the dean of the law school, it told me the terms of my appointment and something about Boalt. It was a three-page letter. It started out, "Dear Mike".
- Nathan: Who was dean?
- Heyman: It was Bill Prosser. "Dear Mike, around here we all call each other by our first names," says the letter. Three pages later it's signed, "William F. Prosser, Dean." He typed all his own letters. The office at Boalt went out of its mind to make sure that it had some record of what he had stated. The trick was to get him to use carbon paper.
- Nathan: Great. So you came in as an acting associate professor?
- Heyman: Acting, yes. Well, that was only because they couldn't pay people enough in the law school otherwise.
- Nathan: Yes, that was before the days of different pay scales.
- Heyman: That's right. I had to be an associate professor in order to make \$9,000 in 1959.

Teaching Property and Constitutional Law

- Heyman: What I was assigned to teach foreshadowed what I did for my whole career at Boalt. I was assigned to teach real property law. I didn't see how I could possibly teach it, having had Myers McDougal in Yale Law School, who taught wonderful jurisprudence but very little property law, so I knew very little except what I had learned preparing for the New York bar exam. But they also gave me constitutional law, and there I thought I was all right, given my federal court clerkships and thus my confidence with constitutional issues. The enticement was constitutional law; the penalty was teaching property. It turned out eventually that I became quite enamored with property law. And the combination of the two subjects led to my interest in the public aspects of property law. That led me into land-use planning and regulation, which became my specialties.
- Nathan: Maybe we can stop at this point?
- Heyman: Okay.

Incoming Faculty Colleagues, 1959

[Interview 2: August 16, 1995] ## [3A]

Nathan: Let's talk about Berkeley beginning in 1959. If you like we can focus first on teaching law at Berkeley in the sixties and seventies, and maybe mentioning your visiting at Yale, '63-'64 and Stanford, '71-'72. Please don't feel bound by the way I have organized the topics as "on-campus," and "off-campus." This can be arbitrary because a lot of things overlap.

So you said earlier that you had been recruited for Berkeley?

Heyman: Right. As I said, I was recruited when I was a Supreme Court clerk.

Nathan: I understand that there was a very promising group that came in to Boalt at the same time?

Heyman: Oh, it was very good. That same year, Ed Halbach was appointed and later was named dean of the law school. Ed was an outstanding scholar in the law of estates and trusts. John Hetland was also hired. He has continued to carry on an active practice. He's stepped down now, after taking early retirement. He taught mainly about real property transactions and became a leading scholar-practitioner in the field.

And then there was Justin Sweet. I'm not sure whether Justin came my year or the year before, but he was a good contracts teacher and did a lot of work with the architecture department. Geoffrey Hazard also became a professor the year before. He later went to Chicago and then Yale and is now at the University of Pennsylvania. He is also the executive director of the American Law Institute, a prestigious position, and one of the nation's experts on legal ethics. There was also Jerry Cohen, who became a great scholar of Chinese law. He later went to Harvard, and now is both at NYU and practicing law in New York. So it was a very, very good group of people who came around that same time.

The law school had a powerful faculty, but a number of the people at that time were retiring. So this group came in at the end of the fifties and were among those who eventually took over the leadership positions.

It is interesting to note how well the new people related to those then on the faculty. There were two whom I immediately got to know because we taught the same subjects. One was Sho Sato, who had taught property law, but wanted to branch out to other fields. I took over his property class, and John Hetland took over the other section. Sho was a great help to me. I used his notes and the book that he had used the year before. I thus learned property law with my students. Sho's tutoring was endlessly helpful; given my Yale preparation this was crucial.

The other person with whom I became very close was Ed Barrett. Ed was a fine constitutional law scholar. I taught the other section of constitutional law, and Ed was very helpful. We would talk at great length about various constitutional law principles, and he helped me immensely, as did Sho. I put in a lot of time preparing for class, and I ended up with a good reputation as a teacher.

You really have to work very hard to teach well, because if you're going to teach Socratically--the usual style at law school--you're going to have constant dialogue with students. You have to be much better prepared than if you're going to give a lecture. You have to guide the class through questions, and you're never quite sure what the answers will be. You have to use answers to formulate other questions which keep elucidating the topic. So you have to be very, very prepared. Just knowing the subject isn't enough. You've got to know the material for the day intimately so that you have instant recall.

Nathan: Sounds pretty stimulating.

Heyman: Those were the years when the law school was not under the personnel processes of the Academic Senate. While the law school decided for itself whether to give tenure, there was a chancellor-appointed ad hoc committee. Tenure cases didn't go through the Budget Committee, however. This permitted, I guess, a differentiation regarding both pay and speed of achieving tenure, so that it happened much faster.

That, of course, meant that you had to begin writing immediately, so on top of teaching, in those first two years I wrote two articles which were not world-beaters, but were pretty good. They did evidence the fact that I could do it, and so I got tenure after two years, which was very rapid.

I don't think getting tenure ever changed the amount of time that I put in on teaching, because what drove me was the desire to be effective and not look like an idiot in class. You get a lot of very bright students in the law school, and in the Socratic teaching method you can be shown up quite easily by somebody very bright who's very well prepared. I didn't want that to occur.

I certainly was endowed then, as I have been for most of my professional life, with a lot of energy and enthusiasm. Those two together permit you to do a lot.

Nathan: I see. You mentioned that a couple of your colleagues were practitioners. Is this fairly common?

Heyman: No, and when I say John Hetland was, John didn't really start that way. He did a couple of consultations with lawyers, and he was so good that he was asked again and again to do it. The law school actually didn't have many people who I would say were teacher-practitioners. I think John was a real exception.

Public-Oriented and Legal Work for Governmental Agencies

Heyman: That didn't mean that others of us weren't practitioners, but it was not a very prominent part of what one did. Actually, as I look back over the things that I spent my time on outside of teaching, I did a lot of legal work for government agencies. That probably characterized more of what I did than conventional scholarship.

Most of my outside interests were public oriented. These included investigating of the Oakland school system and thereafter the Berkeley school system, for the United States

Civil Rights Commission and later the Department of Health, Education, and Welfare. My task was to determine how each school system was dealing with race in education. This really wasn't legal in a way. It was much more journalism than it was law.

Thereafter, I did a lot of work for the San Francisco Bay Conservation and Development Commission, and that was quite legal. There I was trying to deal with what kind of regulatory system could that commission adopt, or at least propose to the legislature, which would effectively stop further filling of the bay. The primary legal issue involved the line between permissible regulation and impermissible taking of property.

Tahoe Ordinances, Student Practicum, and Seminar

Heyman: After that I did a lot of work for the Tahoe Regional Planning Agency. You can see all of this was now gravitating toward my doing public land-related law. This has to do with conservation and sustainable use that was "light on the land," to use Secretary of the Interior Bruce Babbitt's term.

Because of the bay work I was asked to work up at Tahoe. That turned out to be a rewarding time in my life. I started working for the TRPA in 1969, but when I became vice chancellor in 1974 I gave up that kind of work. I didn't have enough time, especially if I wanted to continue teaching, which I did for a while.

But in any event, those five years were really wonderful. Initially, I had to deal with the same kinds of problems with the bay work, but in a much more difficult setting. At Tahoe, we were concerned with land that was usable for subdivision development, where strict regulation raised very serious "taking" issues. The idea of retarding development was obviously opposed by numerous Tahoe land owners, so I had to work hard on the basic constitutional law problems.

But more interestingly, actually, was doing all of the ordinances for the Tahoe Regional Planning Agency, and there were about fifteen of them, such as a shoreline ordinance, a boat ordinance, and most prominently a series of land use ordinances.

Nathan: And the piers?

Heyman: Yes, there was an ordinance about piers. I mean, it went on and on, and I did do all those ordinances. But I evolved my Tahoe work into something which I really think was a special experience for those students who associated themselves with me. I conducted an ongoing seminar at the law school, where I had law students doing a lot of the Tahoe work. It was a practicum. One doesn't want all of law school to be taught in this manner, but if you want to communicate standards of work, there's no better way to do it than to have to come up with a product which is going to be used by others. It's very direct, and you do a lot of work together. I made some very good friends among the law students who worked with me and who, like me, got very modest monetary compensation.

By the way, I found out when I finally ended that my five years of work at Tahoe that the pay I received turned out to be about seven and half cents an hour. So it really was

largely pro bono. (By the way, I continued teaching full loads at the law school and in city and regional planning during that time.)

Working at Tahoe also allowed me to do a lot of field work, trying to convince the people on the Tahoe Regional Planning Commission to accept and adopt the ordinances that I drafted. It required politicking in both Nevada and in California. And it involved both law and interrelationships.

Tahoe Forest, and Science-Based, Land-Use Regulation Analysis

Heyman: In the early 1970s, while I was working at Tahoe, the Forest Service, the steward of a lot of land in the Tahoe Basin, was trying to figure out how better to oversee an area that consisted not only of four different national forests, but two separate states, each with a number of local governments.

The Forest Service wisely decided to merge the existing sub-divisions into a single Tahoe Forest with its own forest supervisor. This mirrored the creation of the Tahoe Regional Planning Agency with jurisdiction over the non-federal lands in the same geographical area--the Tahoe Basin. The Forest Service decided that an analysis was needed to look at the fragility of the land for purposes of development. A concern was that soil and nutrient run-off from the land after snow season and during rain would go into the lake, causing pollution and forming algae, and changing the lake's blue color. Development, especially on fragile soils, accelerated the phenomenon.

Nobody knew how to do this analysis. The Forest Service hired as a consultant Bob Twiss, a teacher at Cal in landscape architecture. Bob and I worked on the problem together (with the important contributions of others) and eventually designed a system of land-use regulation that was science-based. With the combination of his knowing the science side and my knowing quite a lot about relevant legal mechanisms, we came up with a creative system, which, in many ways was the first of a kind. It is currently used in other fragile land areas, and has been a model of analysis for such places as the Adirondacks, Florida, and Oregon. I really am very pleased with that. That is clearly the most important intellectual contribution that I have made in land-use law involving thinking through a system of regulation and working it out, and thus creating a model that could be of national, maybe international significance.

City and Regional Planning, Teaching and Writing

Heyman: My work with BCDC led thereafter to my agreeing to move 25 percent of my appointment over to [the Department of] City and Regional Planning at the invitations of the department. That was in 1964 when I returned from a year's visitorship at Yale. My work with Bob Twiss eventually led us into teaching two courses together every year. I taught three semester courses at the law school and two quarter courses with him over at landscape and city and regional planning. It was a good course, and we had heavy

attendance by city and regional planning students, and Landscape students and those from other professional schools. Our teaching styles fit together very nicely and we wrote a number of articles. It was a productive relationship.

I don't know if such collaboration is so easily done in more academic settings, but in a professional environment you're usually looking at a situation. Rather than being discipline-oriented, it's really more problem-oriented, and you can bring in people with different views as to promising situations. The issue is how to solve the problem: how to look at the problem both in technical terms and policy terms. So it's a good foil for interdisciplinary work.

Nathan: And your perspective must enlarge?

Heyman: Oh, it enlarges a lot, it really does. Yes. Bob kept me honest on the conservation development issue, and I kept him honest on the equity issues (who pays and who benefits). We just had a great time together. I made him a pretty effective lawyer.

Nathan: He has some wonderful things to say about you. He mentions that you had written a paper in the *Ecology Quarterly*, "Nine Approaches to Environmental Planning."

Heyman: Yes.

Nathan: Remember that one?

Heyman: Oh, yes. That was a very good article. We did another one together that was in the *California Law Review*. It was an outline of what became the National Environmental Policy Act. This was just before that act was adopted, and I didn't even know there was such a thing.

What had happened was that Bob and I did some work for the Public Land Law Review Commission. That work was the basis of a joint scholarly work in the *California Law Review*. I realized then that my strength would be in alternating between practical work outside, and related scholarship fueled by that experience. That kind of counterpoint for me was one that I could enjoy considerably and relate to my teaching.

Nathan: That practice and theory connection?

Heyman: Yes. It's especially good for professional education, because you're always questing for something that is relevant to what your students are going to do professionally. And yet on the other hand, it's simply not just teaching craft, but it's teaching people how to think, be aware of the consequences of their actions, and to approach problems from different points of view.

Nathan: We're in an interesting area now. Maybe we can talk about your relationship with the Bay Conservation and Development Commission. In 1969 there was your report, *Regional and Local Land Use Planning*, with Herman Ruth and Associates.

Heyman: Right. I did that with Ruth for the Public Land Law Review Commission. Bob Twiss and I wrote a separate report which was not through Ruth's firm. The report for Ruth's firm taught me an enormous amount about how the planning systems of the Bureau of Land

Management, the Forest Service, and the National Park Service worked. Although the research itself was matter-of-fact, I became interested in federal land management. This eventually led me to work with Secretary of the Interior Babbitt.

Civic Leaders, Volunteer and Professional

Heyman: But on BCDC (Bay Conservation and Development Commission) work, I met all the grand women of the Bay Area, including Sylvia McLaughlin and Kay Kerr, and a lot of others. In those days, BCDC, like the City of Berkeley, was dependent on a strong core of women volunteers; Ruth Hart is one of the people I think about in that regard. There were others also, like Carol Sibley, and the same was true at the regional level with Sylvia and Kay. All were intelligent, hard-working, and very effective people.

At BCDC I first worked with Alvin Baum, an important staff person and very good lawyer. I think that in a professional sense the person who meant the most to me in my relationship with BCDC was Joe Bodovitz. After being a *San Francisco Chronicle* reporter, Joe ended up being the executive director of BCDC, running it with enormous efficiency and effectiveness.

Joe and I got to know each other at BCDC and continued when I was working at the Coastal Zone Commission and then as we worked together on Bay Vision 2020. We're still doing some work together on and off with regard to the Presidio.

Joe and I also worked together when I was in Interior, because he had been commissioned by the State Resources Agency to do some mediation through the California Environmental Trust, which he runs.

He was working on moderating points of view between landowners and the resources agency in southern California. There I was working at the Interior Department on an experiment which we can talk about later, concerning endangered species.

Nathan: I see. I was thinking also, when you mentioned Save the Bay, of Esther Gulick as well as the other two women.

Heyman: I didn't know Esther very well. It was really Kay and Sylvia whom I knew the best, and of course, people like Mel Scott. I also got to know John Knox a bit at that time. However, I got to know him a lot better later, when I worked on one of his bills that sought to bring together various existing regional agencies in the Bay Area. It didn't pass--more evidence of how tough it is in this state to get anything done regionally. Just about as hard as changing the nature of intercollegiate athletics.

Nathan: That hard?

Heyman: Very hard.

Nathan: I was thinking of the book *Open Space and the Law*; wasn't that one of yours?

Heyman: Right. I did that with Roz Rosenfeld, a graduate of Boalt Hall. She and her husband, Arthur, and Therese and I have been very close friends for a long time. They lived near us in Berkeley, and our kids were born about the same time. Roz worked with me on a [Department of Housing and Urban Development] project concerning an open space law. We looked at all the different approaches to the preservation of open space, which involved some of the legal problems that I had worked on at Tahoe and BCDC. Those same problems keep coming back in different forms and shapes.

The Post of Law School Dean

Heyman: But you know, we ought to go back a bit in time and talk about the law school, because a lot of things happened. And as has been typical of me, I've never put together all of these experiences in a linear sense. They just happen and I deal with them without a lot of thought about how they would affect my career.

For instance, I thought seriously about becoming a law school dean.

[3B]

Nathan: You were talking about considering the post of dean?

Heyman: Yes, I can't remember the year, but after Dean Prosser stopped being dean--do you know that story at all?

Nathan: No. Tell me.

Heyman: Well, Bill was, of course, a renowned legal scholar. The words *Prosser on Torts* were known throughout the practice and the law school world. A very intelligent man, and kind of quirky and bluff, but an extraordinary scholar. His manner of negotiating was essentially to tell the president or the chancellor, "You do it my way or I'm gonna quit." He once said that to Glenn Seaborg, who was chancellor, and Seaborg said, "Okay, I accept your resignation." It was an absolute shocker.

Nathan: Do you know what the issue was?

Heyman: Oh, it was one of the usual ones involving school autonomy: whether or not we were in the Academic Senate for some purpose; I don't remember the precise issue.

Nathan: He had tenure, so he could still teach in the law school?

Heyman: Oh, sure. But Bill was really embittered. He left soon thereafter and went to Hastings, where he was of course welcomed as a great scholar and teacher. He scared his students; he had that old *Paper Chase* kind of style as a teacher.

But in any event, everybody expected that Ed Barrett would become dean, and the fact was that the younger people on the faculty, for whatever reasons, perhaps the other candidate seemed more exciting, got Frank Newman nominated.

An interesting thing to me was that even though we were young, the older faculty said, "Well, this is basically going to be your law school, and we accede, even though we would have done otherwise."

In any event, Frank, in his typical style, served his five or so years and that was it. The law school then had to face up to hiring a new dean. We first thought we had somebody from outside, but he didn't come. So the faculty turned to Ed Halbach and me. I thought about it a bit, but then decided I didn't want to do it. I made a great decision for the law school, because Halbach was an absolutely magnificent dean.

The reason I am telling you this story is because I started to play around with the question of whether or not I would accept a deanship elsewhere. I interviewed at a couple of places. That I didn't accept their offers indicated my basic ambivalence about whether I wanted to continue teaching and research or become a senior administrator in the academe.

A few years later, however, when Herma [Hill Kay] had turned down the job, Al Bowker asked me to be the vice chancellor, and I said okay. So obviously something was pulling me towards administration.

Berkeley City Affairs, Commissions and Campaigns

- Heyman: Before all of this happened both Ruth Hart and Carol Sibley got me very interested in issues concerning the City of Berkeley. I went on the Human Relations Commission, which Ruth chaired. Later I became the chair. I also served on the Charter Review Commission and ran one of the campaigns for the school directors who favored integration. I became quite involved in local issues, much to the amusement and amazement of my friends on campus, who just couldn't understand why one would do that. Most were interested in national and international affairs. At IGS [Institute of Government Studies], you engaged at the state level. But the idea of doing things at the city level was strange to many colleagues.
- In any event, I was so engaged for a number of years. That was a testament to my energy level, but it also meant something more.
- Nathan: What do you think of the view that if you work for the city, you sort of work for your family? Because you all live there.
- Heyman: In a way that's right. But all the service activity meant that I did not spend appreciable time with my children. Therese really carried an enormous load, between being a curator at the Oakland Museum and also the primary one responsible for the children. And that led her never to go back to full time work, in order to make time for them. I never even considered being less than time and a half at the university and in other activities.
- Nathan: I wondered whether this profound knowledge of the City of Berkeley, which many people never get, helped you when it was time to negotiate about People's Park. This is jumping over a number of years.

House Un-American Activities Committee and Legal Advice

Heyman: Yes, of course it did.

I remember right after I came here the House Un-American Activities Committee held hearings in San Francisco, and a lot of students were arrested. Although I wasn't a member of the California Bar yet, I got very involved in advising people and trying to keep them out of jail.

Then in 1961 (I think it was '61) we had a cause célèbre here having to do with a Loyalty Oath issue. A professor in the German department refused to attest that he was not a member of the Communist party and was threatened with dismissal. Chick [Jacobus] tenBroek and Frank Newman got me to present the case to the Academic Senate asking for a recommendation of support for the professor and disapproval of the threatened action. (By the way, this is how I got into Berkeley campus politics, which is another tale in itself.) Well, the senate voted as I asked and this created enough pressure on the administration, which finally decided to keep the professor, although, ironically, I think that later he did not get tenure.

Relationships with Local Officials

Heyman: Those events and my actions in local Berkeley politics got me labeled as left of center, which I certainly was and might still be. But I was never a radical in the Berkeley sense. I'm sure that many later saw me as a kind of conservative because I wasn't a radical. I was clearly a liberal, which became a dirty word to both the local left and right. Nevertheless, I knew a lot of people active in Berkeley politics.

So when Loni [Hancock] became mayor, and I was chancellor, knowing her (and Tom Bates) helped tremendously in our being able to reach accords. So yes, all this background helped during the People's Park negotiations.

Students and the Bigger Questions

Nathan: Let's see, we're going to take another look at your law school time. As a professor, did you have a particular point that you wanted to teach your students? You mentioned learning how to think. Were there any more concepts that you wanted to develop?

Heyman: I wanted my students to be able to deal skillfully with the material, and I wanted them to be able to see bigger issues than simply those that would make them able practitioners. But I've always also believed that if you really understand the policy bases of rules and their interaction with other rules, and how the facts fit them, you become a better practitioner.

- Nathan: When you first came to Berkeley and all of a sudden you were teaching property law, did you have your eye on other topics you thought maybe you would like to teach?
- Heyman: If you come from clerking in the Supreme Court, you want to teach subjects like constitutional law and federal jurisdiction. Those were the areas I wanted to teach, but I was not completely unprepared to teach property.
- Nathan: You could do it?
- Heyman: Yes, and I really liked teaching property, although it is a difficult course to make interesting to the young. Perhaps that was the challenge I really enjoyed the most.
- Nathan: I can well imagine. Let's see, you were the chancellor's representative on the Student Judiciary Committee in 1962?
- Heyman: You know, I can't remember that at all, but undoubtedly I was.
- Nathan: We're just picking out the things that you really want to talk about.
- Heyman: Sure.
- Nathan: All right, you were working hard. In '64-'65, you were the Department of Health, Education, and Welfare representative on race relations?
- Heyman: Actually that occurred in 1962. My first report, on education in the Oakland schools, was for the Civil Rights Commission. The second, involving the Berkeley schools, was for HEW. I went to Yale as a visitor in 1963-1964.

Sabbatical Teaching Property Law at Yale

- Heyman: Yale was an interesting experience for me. I had gone to law school there, and I cherished that experience. They asked me to visit, and I taught mostly property law during my stay, although I also taught seminars on urban problems and land use planning.

Teaching at Yale was fine. Therese worked at the Yale Art Museum, where she had worked when she was a graduate student in art history at Yale. We had the house of the secretary of Yale, and it was only two blocks away from the law school. It was a very large house. I remember being shocked by the heating oil costs. And it was difficult to find our two-year-old who had numerous places to hide.

We had an especially good time because I wasn't on any university or law school committees; I had a lot of time to do research. I wrote a good article that year on subdivisions and subdivision exactions. I got to know a number of students whom I liked immensely. I got to know a lot of the faculty too.

I don't know what I would have done had I then been invited to stay at Yale, but I came back to Cal. Before I returned I met Bill Wheaton, Martin Meyerson's eventual successor

as dean of CED [College of Environmental Design]. Wheaton had been in the East, but he came to Berkeley to work for Martin Meyerson. Wheaton and I cooked up the idea of my teaching at city planning, as well as in the law school. Bill and I got to be close friends. I grieved when he died about ten years later.

But I enjoyed Yale. Therese and I were kind of spark plugs for the faculty there. Strangely, it was not a very social school at the faculty level. Therese and I gave the best parties--everybody thought so--for the faculty. It was fun.

Free Speech Movement, Academic Senate Committees: Some Consequences

Heyman: But then I came back here, and about the same time FSM took off. I was involved largely because of my notoriety in the Academic Senate that followed my defense of the German professor I described earlier. Moreover, there was the need to have somebody from the law school chair a special ad hoc faculty committee on student conduct during the initial set of sit-ins.

Nathan: Right, it was the Ad Hoc Committee on Student Conduct?

Heyman: That's right. I chaired that with a number of old-timers as my committee members: Mason Haire, if I remember, Dick Powell in chemistry, Lloyd Ulman, myself, and a few others whose names escape me.

Nathan: Gordon?

Heyman: Oh, yes, Aaron Gordon. That's how I got to be friends with Aaron. I cherished him all the rest of his life.

In any event, we heard this case and rendered an opinion that I wrote. Clark Kerr was angry with me for two reasons. First, we were critical of the administration, but failed to distinguish between the campus and the president's office. (He was right about this. Our text could be taken by a reader to assign blame to the president that was deserved solely by the chancellor.) Second, we addressed the report to the Academic Senate rather than the administration. (I think that was proper given that we were appointed by the Senate.) He thought I was grandstanding. I told him later I surely wasn't. I didn't want to get into the dispute at all. We made up finally. In any event, because of this involvement I was catapulted into the middle of the whole set of controversies, and that led to being a member of and then chairman of the Policy Committee of the Academic Senate and thus being an active participant in the leadership of the senate.

That's how I met Rod Park. He and I were on the Policy Committee together, I guess, in '65. We became close friends then, and that just continued.

Nathan: The theory sometimes is that becoming a senate man takes time away from other activities. Did that occur?

Heyman: Didn't seem to me. I've always been additive in my life. Maybe quality suffers, but I just keep doing more things. I think it probably sapped my energy to a degree. There was a lot of anxiety involved with being in the middle between the establishment and the student radicals. The senate played its best role in that position.

I was surprised, but glad, that Roger Heyns didn't mention one incident that we had when he was chancellor. He was away in Washington, and [Earl F.] Budd Cheit, another person whom I respect a lot, was the executive vice chancellor. Budd called the police into the student union where there was a sit-in and thus produced another one of those events that called for quick negotiation. I settled it, in the senate. I got all the opposing parties in the senate together and crafted a motion that I believed would pass almost unanimously.

Nathan: Now this was about punishing the--

Heyman: This was about punishing the students or censuring the chancellor or doing whatever was appropriate. I managed to negotiate a position in which the senate backed the chancellor fully, but asked him to back off on disciplining the students. He said he couldn't live with the latter. I said, "Well, I can't deliver the former. It will fall apart, and I can't do that." Just before the senate meeting John Searle called me, [Robert H.] Bob Cole called me, and finally Roger called me to argue for dropping the amnesty provision. I said, "Roger, I'm sorry, I can't do it. I'm going to go in with my motion."

I remember saying to Roger that the press will only report that the faculty unanimously backs the chancellor. He said, "Well, I might have to seek to amend your motion." I said, "Well--"

Nathan: Who said this?

Heyman: This is the chancellor. And I said, "Well, okay, but I don't think it would be wise." In any event, I made the motion my way, it wasn't amended, it passed almost unanimously, and everybody applauded the chancellor. He thus came out with a ringing affirmation from the faculty, and that, to me, was very important.

I'm telling this story because it typifies the circumstances I found myself in at the time, being one of (not the only, by any means) the people constantly involved in the problems besetting the campus.

Simultaneous Careers

Heyman: This meant I was fulfilling multiple careers at the same time. I had the senate activities, a heavy teaching load, plus all my outside work such as with HEW, the Civil Rights Commission, and the BCDC. This was before I started working with the Tahoe Regional Planning Agency. I was also involved with city issues. In retrospect, I don't understand how I possibly could have done it all. Whether I did it well is another question. Nevertheless, this was fairly typical of the way I behaved when I was younger.

Nathan: And you had been a professor for only, what, three or four or five years.

Heyman: That's right. Four years.

Nathan: What a debut you made here.

Heyman: Well, it was a very busy time. And I don't think my teaching suffered. Certainly, in terms of evaluations, which are of some importance, I was always very popular, and I think that the students, in fact, learned quite a bit.

Nathan: Certainly everything was going on all at the same time.

Heyman: Yes.

School Integration Study

Nathan: You mentioned your work for HEW on race and education in Berkeley; you did make a report on that?

Heyman: Right. Neil Sullivan was the superintendent, during that time.

Nathan: Right.

Heyman: He was a wonderful politician, and a sound administrator also. He always told it straight. He reported warts as well as triumphs. That was unlike Oakland. Oakland was an absolute black box on racial matters. Nobody would say anything about racial conflicts or disparities. They didn't even keep statistics indicating the race of students in Oakland schools. If you don't keep official statistics you can't measure disparities, if any, in student performance or distribution of school district resources. So I said to the superintendent, "Look, I need some base mark. Would it be okay with you if I just wrote the principals of each of the schools and asked them to estimate? Would you go along with me and say it's okay for them to do it?" And he said yes.

So I did it, and it turned out, not unexpectedly, that the principals knew down to the last child what their racial counts were. That permitted one to make comparisons. But interestingly, I came to the conclusion, which infuriated some on the school board, that Oakland was doing much better than its reputation would indicate.

Nathan: Some of this must have helped when you worked on affirmative action later on as chancellor, I would think. Or did that not connect?

Heyman: I think it did. It reaffirmed my dedication to integration as the eventual solution to bigotry and disparities. It helped me understand how difficult it is to bring about and how long it will take to create the conditions of true equal opportunity. It made me understand how important it is to be open in discussing race-based problems. And it drove home how passionately some folks embrace color blindness and oppose anything that smells of preferences on racial bases. It also reinforced my passion in trying to help address racial inequality.

Athletic Policies

Nathan: You referred in a sort of laughing way to athletic policies. I see you were on the Academic Senate Athletic Policy Committee, and you were the faculty athletic rep to a conference?

Heyman: Well, for one year I was the campus Faculty Athletic Representative. That means I was a member of one of three governing boards of the Pac-10 conference and I was active in assuring the eligibility of Cal athletes and participating in decisions as to which recruited athletes could get special action admission to Cal. I served in this role at the request of the then permanent representative, Professor Robley Williams, who you probably remember.

In many ways, my busyness was only surpassed by that of his. He was extraordinary. He did everything well. He ran his department, and a variety of other activities, and he loved being the faculty athletic representative. When Robley decided to take a sabbatical leave, he wanted to assure that he could return to that post. The means was to ask the chancellor to appoint me for a year. I was then chairman of the Senate Committee on Athletic Policy, a committee that did little. I can't remember why I was chosen for the post by the Committee on Committees, but it did bring me in contact with Robley. I acceded to Robley's request and got my first taste of governance of big-time college athletics.

Nathan: Did you have anything to say about what happened to the athletes, how long it took them to graduate, or whether they graduated?

Heyman: We were very unsophisticated in those days, and we didn't do very much in keeping records of those sorts. But as I indicated, on this campus the faculty athletic representative had to agree to special action admission of recruited athletes. So I had to look at all those special action cases and try and make a judgment as to whether or not a potential athlete's academic background was strong enough to assure a fair probability of graduation.

Nathan: We can talk about this again if you want to when we talk about the chancellor's responsibilities.

Heyman: Sure, okay.

War on Poverty Center on Housing Law ## [4A]

Nathan: The National Housing Law Project?

Heyman: The National Legal Services Corporation created backup centers in various legal areas to help the attorneys in its local offices who actually represented poor clients. Boalt successfully competed for the one in housing law and I agreed to be the faculty principal investigator of the center. Largely it was run by Ken Phillips, a very good executive director. I watched over it, participated to a degree, but left its administration to Ken.

Eventually, the center became a separate entity, no longer part of the University of California. For a while, I was the chairman of its board, but I didn't do direct work with it because I was focusing on land use planning and not housing law at Boalt. The center continues to accomplish a lot in providing valuable materials for neighborhood lawyers, testimony in Congress, and acting as counsel in various lawsuits. It is a wonderful legal office protecting the rights of poor people.

Nathan: So this was for fair housing, essentially?

Heyman: Well, it was for fair housing, but it really got into all kinds of questions on public housing. It wasn't primarily focused on racial discrimination in housing, it was and is concerned with providing housing for poor people in general.

Nathan: Still going on now?

Heyman: Yes, it is and I am still affiliated with it.

Nathan: Maybe you can clarify a little title here. You were just talking about the National Housing Law Project.

Heyman: Yes.

Nathan: And then a couple of years later, Housing and Economic Development Law Project?

Heyman: Yes. Economic Development was another project, a second one. Dick Buxbaum on the Boalt faculty was its principal investigator and major supporter. The two centers worked together a lot, and they shared resources which made them both more effective than they otherwise would have been.

Nathan: Right. I wasn't just sure whether it was a name change or there were two projects.

Heyman: There were two.

Paul Taylor, Dorothea Lange

Heyman: I do have a recollection from well before all of this that is interesting. I got to be friendly with Paul Taylor, who was, of course, a wonderful land economist. He sought me out soon after I arrived at Berkeley, because he was looking for some young person on the law faculty who might be interested in land reform in Latin America. As an aside, our friendship led to a deep friendship between Therese and Dorothea Lange, Paul's wife and a very notable American photographer. After Dorothea's death, the Oakland Museum, at Paul's direction, became the repository for Dorothea's negatives. This was largely because Therese was the responsible curator and began the making of the Oakland Museum's prominence in photography.

Nathan: Fascinating.

Heyman: Therese and Dorothea were very close during those years before her death.

In any event, Paul convinced me that I should get interested in land reform. I agreed to try and for two years organized a faculty seminar on land reform in Latin America.

Nathan: And you learned Spanish?

Heyman: Well, I tried. I want to tell you one funny story about the seminar. Paul and I concluded that we needed somebody from Latin America to be a member of this seminar. The person he had in mind, a noted sociologist from Chile named Eduardo Hamuy, was married to a doctor who had a Guggenheim to come to Stanford Medical School in the fall of 1959. We thought that our choice of Edward was workable because he probably was going to come to the Bay Area in any event, and the costs of his presence would be minimized.

I talked with Hamuy by phone and he agreed to come. But then he was barred entry to the United States because as a youngster he belonged to a Communist Youth organization in Chile and under the McCarran Act he couldn't get a visa to come to the United States.

I was really angry about this, but that's how life goes. About two weeks later after I got this bad news, however, Hamuy called me. I asked, "Where are you?" He replied, "I'm in San Francisco." I asked, "How did you get there?" Well, he had been on a mission for the Chilean government in Italy, and he wanted to go to Capri before he returned. He told the travel agent to get him booked for his return flight to Chile so that he could stop en route at the nearest city in Mexico to Palo Alto. Thus his wife could come and see him. The travel agent booked him on a plane that came to San Francisco, and then on another plane that went from San Francisco to Mexico, probably Tijuana. The travel agent thought that as long as he was going to be in San Francisco, perhaps he'd like to spend a few days there, so the agent went to the U.S. embassy and got Hamuy a travel visa, which is a six-month visa. Hamuy said to me, "I'm here with a visa." I told him to come to Berkeley and we would try to make sure he could stay for a year.

I called the Assistant Secretary of State for Latin American Affairs who happened to have clerked for Justice Frankfurter when I clerked for Chief Justice Warren, and eventually we worked it out. Hamuy got an exchange visa. This experience reinforced my belief that even when the United States tries to be fascistic, we can't do it with any efficiency. In any event, it worked out, and we had a lively seminar.

That following summer, Therese and I decided that we would test whether land reform was something that I wanted to study, teach, and try to stimulate. So we spent six weeks in Mexico City trying to learn Spanish. Therese did quite well. I ended up being able to read, but very hesitantly to speak. Then we spent six weeks in Jalapa, the capital of the state of Vera Cruz. I visited many ejidos, which are communal farms.

I came back to Berkeley and concluded not to devote my career to land reform. First, it is a political, not a legal topic (revolutionary, not evolutionary). Secondly, I wasn't very good in Spanish and had few hopes to become better. Thirdly, as I came from New York City, I knew very little about cattle and plants. But it was a wonderful summer. Out of this grew a good relationship with Paul, and then, of course, a great friendship between Dorothea and Therese.

- Nathan: Paul Taylor was faithful to the 160-acre limitation all those years?
- Heyman: Oh, goodness gracious, I know. Yes, it was very hard to get Paul to deal with the problem of mechanization. He believed in the equity and the political principles so strenuously that he wouldn't deal with the efficiency problem. It's too bad, because I think that if he had sought to do so, he might have found practical ways to mesh distributional and utilitarian outcomes.
- Nathan: If you ever have the time, he has a two-volume oral history that he's made with our office.
- Heyman: I should read it. He was an extraordinary man. And we were friendly right up until his death.
- Nathan: Well, that was a wonderful thing for you to do.
- Heyman: Yes, it surely was.

Boalt Hall Addition, Basement Office

- Nathan: Preble Stolz tells me that you and he volunteered to move to the basement of the Boalt Hall addition, and he can't quite remember why you were so noble.
- Heyman: I don't either. [laughter] Well, they gave us a secretary for the two of us, which meant that instead of having four people with a secretary, there were just two of us. And we had nice offices. The move didn't bother me in the least, although it did lead to some pretty funny things, like people walking in off the street for legal advice, including one fellow, an old man from Walnut Creek, who still had a little farm house where he cultivated walnuts. He was a stormy old fellow, and he used to drive his big, long, old truck on the freeway at twenty-five miles an hour. He was told by the Highway Patrol to get off the freeway, but he said he had a constitutional right to be there.

By the time he got to me, he had been arrested at least four times. His license had been taken away and he was arrested again. The prosecutor was going to throw him in jail. I said, "I've got to help you somehow." I got in touch with Henry Ramsey, who had been a student of mine and Preble's, and who was then a district attorney in Contra Costa County. He told me what to do. Following his instructions, I went to the courthouse in Oakland, and luckily, a number of the younger people there had all been my students. They helped me.

I got in to talk to the judge in chambers about this, and the judge, moved by my client's age and persistence, dismissed the case on condition that he stop driving. But the fellow disobeyed the order, just kept doing it and finally went to jail. He gave me a bag of tomatoes for my "fee," if I remember properly.

- Nathan: There is something very nice about that.

- Heyman: It is. I am pleased that I could play some part. His children were just so frustrated. They couldn't make any headway with him about continuing to drive.
- Nathan: Over the years you had speaking engagements for all kinds of organizations. Do you remember what you spoke about?
- Heyman: Oh, yes. I spoke a lot about land-use planning. That was the major topic. In fact, I was on a lot of programs with our governor, Pete Wilson, who in those years was mayor of San Diego and got much of his fame from orchestrating a very sensible and effective growth management plan for the City and County of San Diego. He was an exemplary politician on these issues, and it turned out that at a lot of the places where I spoke, both of us were on the program. Actually, he had been a student of mine in constitutional law at Berkeley. I think he took a land-use planning course from me too, I'm not sure. Although I didn't really know him well at the law school, I got to know him much better in these settings.

California Advisory Committee, U.S. Commission on Civil Rights

- Nathan: I might mention some of the other activities--well, you were on the California Advisory Commission, U.S. Commission on Civil Rights. Do you remember that one?
- Heyman: Oh, yes, quite well. The U.S. Commission on Civil Rights had created citizen advisory committees in each state. The executive director of the Commission, Berl Bernhard, was a classmate of mine at Dartmouth. We overlapped a little at Yale Law School. He went straight to Yale from Dartmouth, and I went into the service, of course, before I went to law school. But he asked me if I would be a member of the California committee. The chairman was Bishop Jim Pike.

My most troublesome occasion was chairing committee hearings in Los Angeles on the shooting of Black Muslims by members of the Los Angeles Police Department. [William] Parker, then the chief of police of Los Angeles, had made that infamous remark that these people have been hanging in trees recently, and they've just come to the ground. This led one to believe (charitably stated) that Chief Parker and the L.A. police might be quite biased against black people.

In any event, Sam Yorty was the mayor of Los Angeles. Bishop Pike said that he couldn't chair these hearings because he was the Episcopal Bishop of California, and the Episcopal Bishop of Los Angeles would think that his turf was being invaded. As I was the secretary, he asked me if I would chair them.

I got off the plane the day before the hearings, was met at the airport by a bevy of television people, and whisked away for two hours of grilling. All this because Sam Yorty had said, "These Commies from the north are coming down to disturb Los Angeles." That was the first time I had ever been on television and it was really quite a show.

We held hearings for a day and a half, and wrote our report quite critical of the Los Angeles police conduct. Hopefully, these kinds of inquiries, and the publicity that attends them, deters wrongful official behavior.

Nathan: Just picking up on that, you were the director of the Meiklejohn Civil Liberties Library in Berkeley?

Heyman: I was just on the board. Ann Fagan Ginger, the person who created the library, wanted a board and I agreed to serve with a number of others. But I didn't do much except go to an occasional meeting.

University and Oakland: A Project and a Forum

Nathan: I see. When you spoke about doing some research in the Oakland schools, was this related to the Oakland Inter-Agency Project?

Heyman: No, that was completely separate. My research involved the Oakland schools and was at the request of the U.S. Commission on Civil Rights.

The Oakland Inter-Agency Project was a project that was created and sustained with brilliance by Aaron Wildavsky when he was teaching aspects of public administration in the political science department. This was before the creation of the School of Public Policy. He wanted a laboratory in which his students, his graduate students especially, could participate in various aspects of public administration on the city level. So he created the Oakland project.

It eventually grew into a project which still exists that has facilitated the use of people on the Berkeley campus to help solve Oakland problems. It is now the University-Oakland Metropolitan Forum, which was created when I was chancellor. Lionel Wilson, then the mayor of Oakland, was instrumental in its creation. But the spark plug was Ed Blakely, then a member of city and regional planning department on the campus.

It's now a program in the Institute of Urban and Regional Development, one of the organized research units in the College of Environmental Design.

Nathan: Was Henry Izumizaki involved?

Heyman: Yes. Henry was the first director of the forum.

Nathan: That's interesting. Were you aware of and did you have to deal with any of the earlier events and issues like the Byrne Report during the Free Speech Movement?

Heyman: Not that report, but so many of the other issues because I was a member and then chairman of the Academic Senate Policy Committee. So many challenges occurred one after another. Roger Heyns is one of the great unsung heroes of Berkeley. In the toughest of times he kept the campus from flying apart. He must have been frustrated being under siege and not being able to accomplish as many reforms as he wished.

Then Al Bowker came in the early seventies. The worst of "the rebellion" was over, but the fiscal problems were grim. Despite this, Al maintained the quality of Cal. So, in my view these two chancellors were saviors of Berkeley's quality and prominence. They deserve accolades.

Nathan: And each with different skills, also.

Heyman: Yes.

Nathan: They certainly each found what had to be done and did it, as you were saying.

Heyman: Each in his own way, with his own personality.

Nathan: Fascinating people. Let's see, was there anything more that you wanted particularly to say about the law school connection? We can always go back if something else comes to mind.

Heyman: Well, my closest friends at Cal are people from that era, especially in the law school. I spend much of my time there when I'm in California. I'm looking forward, when I get finished with my job in Washington, to coming back and having an office in the law school and resuming some teaching.

Visiting, Teaching, and Writing at Stanford

Heyman: Looking at the outline reminds me that I went into administration. I was a visiting professor at Stanford for a year.

Nathan: This is in the seventies?

Heyman: Yes, 1973-1974. Stanford was rewarding for me. It was a repeat of what had occurred at Yale. I didn't have to be on any committees, so I could write. I was able to bring together a lot of observations on land planning and related legal problems. I also was able to spend a lot of time with students. I taught some courses that were new to me, so I had a productive time in class.

Before going to Stanford, I had changed my property course at Berkeley into a quite modern one. I stopped teaching a very doctrinal course embedded in the more traditional English law, and made it a land-related, transactional course, stressing both marketing and land use regulation. I taught some traditional law, but not very much. I used these same materials at Stanford.

Refusing Offers

Heyman: Two things occurred during that era of note to me. First, Stanford asked me to stay, and I thought about it seriously, but I concluded to stay at Berkeley. Two reasons predominated. Berkeley is enormously lively and urban. And it caters to a greater mix of students because it is public.

Then Yale asked me to come, and that was a hard decision, because as an alumnus I feel so close to that school. Moreover, Therese thought she would like to go back East. I finally said no. In retrospect, I guess I knew I would stay at Cal the moment they asked, but it took me two months to really convince myself.

When I was at Stanford I got to know Bayliss Manning better than I had while at New Haven. Bayliss had just stepped down as dean of law at Stanford. He, together with Tom Ehrlich, his successor as dean, were consultants to the University of Hawaii, involved in the creation of a law school there. Bayliss asked me to join him as a consultant because Tom had to step down. I accepted. That started a year and a half adventure both designing a curriculum and other aspects of a law school and lobbying for its creation in the Hawaii legislature.

I went to Hawaii monthly for two or three days. I worked very hard. I hardly did anything except work, because there was so much to do with so little time to do it. The effort was successful and the law school was created. The university assumed, as did I, that I would accept the deanship. But, at the last moment, I demurred. I concluded that if I accepted, I had to be prepared to stay in Hawaii at least ten years to put the school on the map. I could not see myself staying in Hawaii that long. So I just said no, to the surprise of the University of Hawaii and my family. So again I turned down a fine opportunity and stayed at Cal.

Nathan: I'm sure it was hard. At the same time, it's very nice to be invited.

Island Land-Use Research and Ordinances

Heyman: Oh, yes, it really is.

I also enjoyed a number of research-related adventures. One of my students at city and regional planning, a man from the Virgin Islands named Darlan Brin, became the head of the agency there involved with coastal zone planning. He asked if I would consult. I agreed and took on as an associate a young man who had been part of the Boalt group for the Tahoe study and who was now practicing law. His name is Don Gralnek, and he is still a good friend. He and I consulted for the Virgin Islands, did a lot of legal research, and produced what eventually became its coastal zone ordinance.

The task was fascinating, especially because so much of the law of the Virgin Islands relevant to our task came from Danish law applicable by the terms of the treaty by which the United States acquired the Virgin Islands from Denmark. A lot of our questions

required looking back into Danish law at the time of the transfer. In addition, of course, we had to apply as imaginatively as possible a number of land-use techniques based on principles of American law and planning.

Somewhat later, I drafted a zoning ordinance for American Samoa. I got fired from that job because I gave the local elected legislature power to approve or disapprove land-use applications. The governor, then appointed by the Secretary of Interior, disagreed with that advice.

Before this work with the Virgin Islands and American Samoa, I drafted the zoning and subdivision ordinances for the island of Kauai in Hawaii. I also did some other land-use work on Oahu. These latter tasks helped me when I later was involved with the law school at the University of Hawaii. They gave me a familiarity with enough people in Hawaii and their attitudes to guide me in formulating plans and lobbying to a successful conclusion.

My Hawaiian experiences in land use involved working in association with a firm called EDAW.

Nathan: Oh, yes, I wanted to ask you about this.

Heyman: EDAW is a derivation from the names Eckbo, Dean, Austin, and Williams, its founders. Garrett Eckbo, of course, taught at Cal. I worked with EDAW at Tahoe (they joined in the final stages of that project), and then in Hawaii and Samoa. I got to be very friendly with many in the firm. Later, they transformed their partnership into a closely held corporation and asked me to be an outside director. I did this until very recently when I went to the Department of the Interior. EDAW did much work for the National Park Service and my directorship would result in a conflict of interest.

[4B]

Nathan: You sort of specialized in islands that naturally have lots of coastal areas?

Heyman: That's right. I got to be the island person. It was enjoyable. It took me to new locales. It's not that I stayed at them for long periods of time. I would go for three or four days and then come back to Berkeley and do most of the work here. And repetitively, I involved students in the work as I had at Tahoe. It was a practicum with consequences. I made very little money from the undertakings, but I, and my students, learned a lot.

American Bar Association and Environmental Law

Heyman: Another set of experiences involved the American Bar Association. A very good friend of mine in Berkeley, John Austin, was a senior partner of a big firm in San Francisco. He was about to become head of the Section of Banking, Business, and Corporation Law of the American Bar Association. It had created a new committee on environmental law and John wanted a neutral as the chair of the committee, rather than a corporate lawyer. He turned to me.

I had been the first teacher of environmental law at Boalt. There was student demand for the subject, and land use was the closest in content on our curriculum at the time.

I chaired the ABA committee for a number of years, and then I went on the Council of the Business Law Section. I stayed on it until 1994, when I concluded that the demands at the Smithsonian precluded further service. My experience, however, introduced me to a number of first-rate corporate and banking lawyers, for whom I developed great respect.

Integration of Women at the Law School

Heyman: You asked about integration at the law school. When I first started teaching at Berkeley in 1959, the student body at Boalt, and at Berkeley in general, was overwhelmingly white. At Boalt, unlike the rest of Berkeley, 85 or 90 percent were men. Perhaps Boalt was a bit better on this score because of the tradition of Barbara Armstrong, one of the first women law professors in the United States.

The numbers changed radically, especially in recent years as women viewed the legal profession as one that provides considerable freedom of choice in defining the nature of one's career. The proportion of women students grew as long as there wasn't discrimination in the admissions process. The law school didn't have to take affirmative action steps. The growth was the result of the women's movement and the perceptions and desires of younger women. The change has been revolutionary. Currently, many of the best law schools in the United States are at least 50-50 male-female. And, as time has gone on, the number of women serving on law faculties is increasing.

I think that there is a general feeling among men that women don't need any special breaks in either the admissions or the recruitment process. As a group, women don't have particular backgrounds of impoverishment or deprivation that are relevant to their qualifications. I think that is becoming evident as more and more women are turning to teaching law.

A lot of people will disagree with me respecting this, but I really think that it is true. However, I do think that special consideration and sensitivity is important when filling leadership positions in law schools and in universities in general. In those cases affirmative action is necessary. I think there is still bias, or at least was when I was here, of an unconscious sort respecting women as leaders. Doris Calloway and I, for instance, fought the good battle, and I think she was a wonderful provost.

Need for Affirmative Action for Minorities

Heyman: Minorities are another matter altogether. Many are culturally and educationally disadvantaged, and living with a long-time legacy of discrimination. If we really intend to have a substantial number of people of color in the legal profession--as well as other professions--we just plain have to do something affirmative in the admissions process. I

don't mean that we give away the keys to the castle, but I think that we call close ones in favor of admissions, we get out and vigorously recruit, and one way or another we find qualified people and get them into law school.

I passionately believe in this. In California, where fewer than 50 percent of the residents will be white, we cannot have Hispanics and blacks as an underclass with the legislature, executive, judiciary, and business run by a white (and to an extent, Asian) elite. Such a future is unstable as well as immoral.

The only way this will change in a decent, civilized way, is to bring people together early in their careers. It doesn't mean everything's going to be sweetness and light; it clearly is not. But the alternative is unbelievable. I think we have to keep struggling. How we're going to do it now is uncertain, given the irrationality of the regents [dismantling affirmative action].

A lot of progress has been made in the last ten years. Graduation rates of black and brown minorities in the university and in the law school have been climbing, and they're beginning to approximate those of whites and Asians. The situation can be understood as a motion picture that keeps changing, not a series of still photographs. My guess is that social relationships too are somewhat better now than they were previously, but more improvement is not going to be easy in a country that has been racist. I'm not saying that pejoratively; I'm saying it descriptively.

Nathan: Amen. Well, after that rousing statement, I must tell you that your public statements have asserted this on many occasions. We can include some of these speeches in the appendix to the memoir volume.

Heyman: That's okay. This is good enough.

Yes, it is funny. I have an issue now at the Smithsonian which we can talk about later which involves race and ethnicity: whether or not we ought to be creating a separate African American museum.

Nathan: Right. Now, there's the Indian museum?

Heyman: There's the Museum of the American Indian, right. And now the question involves an African American museum. At one point, the regents said yes. But the plan ran into a lot of problems with Congress.

There is no obvious right answer. On the one hand, separate institutions undercut the tough job of integration. On the other hand, often, without separate institutions, it can be difficult to address important subjects and empower minority intellectuals. It's a similar issue as involved with ethnic specific departments at universities. But the dismal historic record of exclusion of people and subjects suggests that separate entities of some sort are required, at least for a time. At the Smithsonian we are experimenting with vigorous ethnic-oriented centers charged with a mission to affect programs at the institution's museums.

Nathan: Well, sometimes--I don't know if this is valid--do you think that sometimes there is a kind of temporal solution, a solution that works now, but that doesn't mean it will always work?

Heyman: Yes. I think there's a lot of truth in that, and maybe that's the way to think about this.

Nathan: Well, you are dealing with issues that are not going to go away. This is getting pretty close to the end of our time today.

Heyman: I think we've done it.

VIII. CAMPUS ADMINISTRATION: VICE CHANCELLOR, 1974-1980

[Interview 3: August 25, 1995] ## [5A]

Nathan: Did you want to pick up on a couple of things that were mentioned briefly at the end of the last session?

Heyman: I think we'll come back to those.

I would like to explore the six years that I was the vice chancellor. Initially, let me set a context. I came in following Mark Christensen, who went to Santa Cruz as chancellor. Out of the blue, I got a call from Al Bowker asking me whether or not I'd like to be the vice chancellor. As I said, he had struck out with Herma Kay, who is now dean of the law school.

Attractions of the Post, and Some Oddities

Heyman: I was intrigued for a number of reasons. As I indicated before, I had considered the idea of being a law school dean and had visited various places to that end. But each time I was asked I demurred. Nevertheless, I was obviously intrigued with the idea of running something.

When Al called, it seemed to me that the vice chancellorship was an ideal position for a number of reasons: it was important; I didn't have to leave Berkeley or give up my [faculty] appointment; my family would not be disrupted; I could keep teaching if I wished; I could go on combining what I did with a new life. I think down deep, I'm relatively conservative. If I can take on new things while not giving up the old ones I can avoid making monumental choices, other than experientially. In any event, I said okay.

There were two reasons that my name came to Bowker's attention. One was because of my activity in the Academic Senate, as I indicated before, during the Free Speech Movement and afterwards.

The second was that Rod Park was the dean and provost of L & S [College of Letters and Science]. He and I had known each other for a long time and I found out later that he was a very strong supporter.

As it turned out, especially in the early years, being the vice chancellor was a very odd job. First, the cast of senior officers was in place; I had no discretion to choose the principals reporting to me. Moreover, I had two exceedingly strong and able provosts: Rod Park and George Maslach. Rod's position in the College of Letters and Science was enhanced by the college's de facto autonomy. The college viewed its relationships with the central campus much like the Berkeley campus views its relationship with the systemwide administration. Thus it was largely impenetrable, with a very strong provost and dean, and with an executive officer in Ed Feder who was highly protective of both the autonomy of the college and his place in relationship to its administration.

George Maslach, who had been dean of engineering, was provost of the professional colleges and schools. This was a new role that Bowker had created to which all the deans of the professional schools and colleges reported. Prior to this there was a single vice chancellor for academic affairs to whom all of the deans reported (including the dean of letters and science). George, too, was exceedingly knowledgeable and had an agenda of his own.

Thus, regardless of the august title, with two strong academic administrators who enjoyed considerable autonomy and a wise and experienced chancellor, there wasn't a lot for the vice chancellor to do. This also had largely been true during Christensen's term, although I was unaware of it. There was a delicious irony in the title as it denotes the top administrator in English universities. Thus, when I traveled to present and former British dominions I was accorded a status much beyond that which I deserved.

The issue then became, what do I do in this circumstance? The place was running well. There was little new development, because there wasn't any new money. During my term, 1974-1980, our state-provided base budget diminished 1/2 to 1 percent every year, because inflation wasn't being addressed fully. Remember, those were high inflation years, salaries for faculty and others were lagging, and we had a very small capital improvement budget.

As I indicated before, Al Bowker did a wonderful job keeping Berkeley a place of excellence. New funding was scarce. Many of our competitors were more favored. Nevertheless, Berkeley held its place.

Nathan: Did you find that there was internal competition for the available funds?

Heyman: Oh, sure, like always.

Nathan: Did you have to mediate any of this?

Heyman: I basically mediated between the provosts. Shifts in base budget at Berkeley follow shifts in the numbers of faculty positions in schools and departments. The budget that I administered was in the block entitlements of faculty to the professional schools and colleges and the College of Letters and Science. The provosts largely mediated between their departments, schools, and colleges.

Despite the foregoing, as time progressed I filled niches that proved to be quite useful. In general, they involved affirmative action, undergraduate admissions, undergraduate educational development, reorganization, and a few new academic programs.

Affirmative Action, Title IX, and the Status of Women

Heyman: One task that clearly fell to me was coming to a resolution of the campus formal affirmative action plan which had to be approved by the then Department of Health, Education, and Welfare. Such a plan was required under executive order to assure our eligibility for federal research funding. A good deal of negotiation occurred under Mark Christensen, but there were still a number of unsolved problems. This subject was ready-made for one with law training and, after a number of sessions in Washington and Berkeley, agreement was reached. Resolution was complicated by the fact that this was the first plan approval involving a complex university and thus was destined to be the national model. In addition, we were negotiating in a sense for the whole University of California, but the president graciously let Berkeley make the basic decisions without the need to obtain systemwide approval.

Nathan: Did you have any role in the establishment of the Women's Center?

Heyman: Yes, tangentially. Title IX was passed when I was the vice chancellor. Title IX, of course, addressed gender equity questions. (Athletics were an important subject, but not the only one.) It reflected and spawned a lot of activity among women on the campus. The Women's Center was one of the results.

Another was a study to discern campus attitudes concerning discrimination against female graduate students. Lola Harris, in my office, was central to the study. A series of questions regarding the status of women were asked of samples of faculty and men and women graduate students by department. For instance, some questions probed whether women would take teaching and research careers seriously. The names of respondents were not disclosed and the answers were independently formulated. The idea was simply to publish the results: just say, "This is how it came out."

Nathan: Did you use names, actual names?

Heyman: Not individuals, but we published department by department.

Nathan: The testimony wasn't tied to a specific case?

Heyman: No. It was more generalized than that. But the results were absolutely fascinating. The report was not condemnatory, but it clearly showed there were starkly different perceptions regarding discrimination between students and faculty. A number of faculty were very shocked at the results in their own departments. I suspect this often led to behavioral change.

Title IX crystallized the issues: its passage led to the Women's Center being established as well as the position of Faculty Assistant for the Status of Women. Questions were posed

as to treatment of women in academic departments as well as on the athletic side. The vice chancellor was the principal academic officer in charge.

Nathan: One question: the Title IX study report. To whom was that report made?

Heyman: To the campus and thus to the world. We should do more of this. My guess is that we affected more faculty attitudes by publishing a simple survey than having a commission with long reports. It was a brilliant idea that somebody had. I know the faculty of that era quite well. I talked with both old-timers and younger people. Some of them were utterly shocked by their students' views. So I think that the report had a lot of impact, although it's very hard to measure it.

Nathan: It affected the discourse?

Heyman: I am sure that it did.

Undergraduate Education

Heyman: Another role I undertook was in undergraduate education. The College of Letters and Science is in charge of most of undergraduate curriculum at the university (although the professional colleges have undergraduate curricula also). The college, in my view, functions quite well in upper division, including providing the possibility of individual and group majors. Lower division is another matter. A perennial issue is whether L & S has a monopoly in experimentation. Mark Christensen had been very interested in this subject and had worked with the Senate Committee on Educational Development. This committee was an outgrowth of the sixties--the FSM and then the Muscatine Report, which looked at the undergraduate educational program at the university. The committee was given the authority by the senate to license undergraduate courses, and thus elude the control of the College of Letters and Science on their presentation and legitimation. Chris worked a lot with CED, and I worked some.

Nathan: This is separate from the Board of Educational Development?

Heyman: As I recall, their functions and membership overlapped.

The committee was often involved with two hot-button issues at Berkeley. One was experiential education. Many faculty viewed experiential education quite negatively and opposed giving credit for people doing things rather than studying things. The second was giving credit for student-initiated courses. Both challenged traditional ways of offering undergraduate education.

While a number of courses were establishing through the CED route, gradually the traditional institutions displaced these new mechanisms. But some notable changes survived, most especially involving ethnic studies. In fact, the independent Department of Ethnic Studies and the Department of African American Studies in the College of Letters and Science owe their creation to courses approved by CED and BED.

A structural problem, relating to innovation in undergraduate matters, involved organizational reporting lines in the chancellor's office. Norvel Smith, in charge of student affairs, reported to Bob Kerley, the vice chancellor for administration. The Smith group included housing and financial aid as well as activities quite close to the academic enterprise, such as undergraduate admissions, the student learning center, and registration. While both Norvel and Bob were first rate, it was awkward to have both academic matters and admissions matters treated on the administrative side of the campus. I believed that coordination with the colleges and schools would be enhanced if they were transferred. Bob agreed and we worked it out. Norvel and his shop moved over to the academic side and reported to me. We left housing and financial aid with Kerley because they were so business-related. By the way, Bob Kerley was the least territorial administrator with whom I ever worked. The transfer proved quite useful in coordinating admission matters as I'll talk about later. Moreover, it put Norvel Smith (and his principal deputies) in direct contact with the provosts and much closer to the deans. This led to more coordination, especially in remedial education.

Primarily, however, the reorganization resulted in my becoming increasingly interested in undergraduate admissions questions. This was the prelude to a significant focus on my part on affirmative action in undergraduate admissions. I would not have been able to deal effectively with this problem if I didn't have the admission folks reporting to me.

Academic Vice Chancellors, Student Ethnic Identification, and Choice of Campus

Heyman: There was another thing that I had forgotten about until just this moment. The academic vice chancellors of the nine campuses met monthly. We were called the Council of Vice Chancellors (COVC). It was an activist group. I don't know how the Council of Chancellors felt about their subordinates acting in concert, but the systemwide administration often looked to the group to effect desired change.

The COVC provided a forum in which an academic vice chancellor interested in a matter that had systemwide implications could seek to affect systemwide policy. The reason I'm remembering this at the moment is that I fought hard and successfully for two outcomes regarding undergraduate admissions. One was to include ethnic identification on applications. I'll tell you why that was important in a moment. The second was to change the UC admissions policy based on redirection to one where applicants could apply to any UC campus they wished.

Nathan: Just so I understand that: that people could make multiple applications to UC campuses?

Heyman: Right.

Nathan: And was there any occasion when you had to say, "Can't be at Berkeley--"

Heyman: Sure. Well, what happened under redirection is that an applicant would apply to the university as a whole and specify three campuses: first, second, and third choice. The applications would be sent to the place of first choice. Then by a quite early date (like the end of December for admission the following September), the campus of first choice

would have to decide who was accepted (assuming the candidate completed high school the following June). The applications of the other people who had asked to go to that campus as first choice were then redirected to the campus of second choice, and then, if that didn't work, to the third choice.

This was an unsatisfactory system from the point of view of running a campus, because one had to make decisions much too early and on insufficient information. You had no fourth year data and only a month to process applications between the end of the application period and the time of the redirection decision. It was also very unfair to applicants. Their redirected applications often would go to a campus also oversubscribed.

Nathan: Did everybody have the same criteria? How did the campuses decide?

Heyman: The campuses were given leeway regarding criteria so long as the applicants were eligible for admission to the university or were specifically recruited, for instance athletes.

This was the era in which Berkeley started trying to build up the minority population of the student body. We tried especially to attract eligible black and Chicano students. Given the system, however, we often redirected eligible minority applicants to other campuses (without ethnic identification, we didn't know who they were. And the time constraints made it impossible to give due consideration to a host of other important variables). Then, later in the year, in order to get a decent number of minority students, we had to rely on special action admission. So we were redirecting many of our more academically able minorities and then going to less able youngsters instead. It was ridiculous in a number of ways and reforms were necessary.

First, we had to get ethnic identification on the application. This took two to three years of controversy within the university.

Second, we had to get rid of redirection. I'm not sure whether that happened after I became chancellor or while I was still vice chancellor. In any event, the president's office concluded that it was unfair to individual applicants to continue to use the redirection process. Rather, students ought to be able to apply to as many campuses as they wished. For instance, they ought to be viewed as if they were applying both to Stanford and Cal. Each campus should come to its own conclusion over a number, but should an eligible applicant be turned down by his or her choice, a place elsewhere within the system would be found.

Systemwide Library Automation

Heyman: The COVC dealt with a number of problems. One it handled well involved systemwide library automation. I think the COVC did more than any other entity in the university to facilitate a conception of a single university library with coordinated budgeting and automation systems. This freed resources from Sacramento without interfering appreciably with individual decision-making at the campuses, except to require systems

compatibility. This created a virtual systemwide library and enhanced lending and a variety of efficiencies.

Transfer Students ## [5B]

Nathan: I don't know if this is an appropriate time to discuss this, but when students once on campus want to transfer to another campus, is there a problem of accepting their records as they stand?

Heyman: Not a very big problem.

Nathan: Is there refusal?

Heyman: Yes, refusal is possible but rarely occurs. Let me give some context. Transfer at junior year is both necessary and desirable. First, we have a responsibility to take a number of qualified community college graduates. Secondly, we would prefer more upper division than lower division students, given the nature of our faculty and curriculum. Getting transfer students from within the university system is preferable because of their initial eligibility and the similarities of lower division curricula.

Having said this, however, statistics show that community college transfers do well at Berkeley. After a semester or so (or a quarter when we were on the quarter system), community college transfers did about as well as those who had come here as freshmen. This result underscores the value of the California system which provides second chances. This is a very sensible thing to do.

Nathan: Exactly. I was also questioning the acceptance, say, of courses and course credits when a student transfers between campuses. Was that ever an issue?

Heyman: It might have been, but I don't remember it as such. Perhaps there was difficulty with Santa Cruz, because they didn't give conventional grades. But professors wrote comments on student performance. These, generally, were very incisive and provided detailed evaluation and a good basis for assessing the academic quality of the student.

Academic Senate Budget Committee

Heyman: I'm still trying to describe my activities as the vice chancellor. I had a role, although certainly not a unique one, in discussing two kinds of matters with the Academic Senate Budget Committee. The Budget Committee is the most prestigious committee of the Academic Senate. It has two major functions. One is to assess the qualifications of faculty members and make recommendations to the administration respecting appointments and advancements. The other is to assess the wisdom of the administration's plans for increasing and decreasing the number of faculty positions in

departments. The committee's recommendations are important in this regard but are even more so in evaluating the academic quality of individual faculty members.

In the course of these matters, I did talk with the Budget Committee quite a bit. Many of the conversations involved the budgetary prospects of the campus and the administration's plans for coping and for change.

I had fewer interactions on matters concerning personnel actions. These were in the provosts' domains, except in those few instances where the administration and the committee disagreed. When this occurred an elaborate process of reconsideration and rearguments followed. I was normally involved with these and represented the chancellor who has the ultimate power to reject the recommendation of the committee. I also had the responsibility of reporting disagreements annually to the Academic Senate, a process designed to minimize overrulings.

I have said little about Al Bowker so far. One of his great strengths that I wish I had, was to concentrate on issues that really were critical and leave the rest largely to others to resolve. This worked well given his capable subordinates and his insistence that he never be surprised. His genius was in choosing relatively a handful of issues that really counted and handling these directly.

Al was always ready to consult with me whenever I wished. Otherwise, he let me find my own way in solving the problems I encountered.

The Energy and Resources Program

Heyman: There were two or three other major educational issues during that period with which I was centrally concerned. One was the creation of the Energy and Resources Group, under the leadership of John Holdren, an immensely able person. The College of Engineering believed that this activity belonged in engineering, while Holdren and his associates wanted independent status.

This was my first major academic decision as the vice chancellor. I proceeded, true to my background, by holding a "trial" in the conference room at California Hall. I listened to argument on both sides, and after reserving decision, I wrote an opinion rendering "judgment." I was most comfortable doing it that way. I "ruled" for independent status, and, in retrospect, I called it right, because the Energy and Resources Group has been highly successful, both in educational programming and in research. It's been a model for like groups that bridge L & S and the professional colleges and schools.

Nathan: Would you call that an ORU? [organized research unit]

Heyman: No, it isn't, because it offers degrees. It gives a Ph.D. and a master's degree and offers some undergraduate courses. Thus, it's a regular teaching program, many of whose faculty are associated with other departments. The difference between this group and others is that this one has some faculty positions in the program itself that are not

otherwise departmentally based. It has its own budget and is treated much like a free-standing department.

Nathan: So it's not on soft money?

Heyman: No, it's on hard money. And it's been very productive. The people in charge have been extraordinary, especially John Holdren. In the end, the quality of the faculty is determinative. I managed to get back to Berkeley for ERG's twentieth anniversary. They gave all the founders, which they called us, delightful souvenirs of the occasion.

ERG, in addition to its academic accomplishments, provided a solid example of interdisciplinary cooperation by focusing on a large problem area and creating a semipermanent academic program to address it theoretically and practically. My own experience with successful interdisciplinary work follows a similar path. ERG productively combined the expertise of physicists, economists, geologists (Mark Christensen went to that program when he came back from Santa Cruz), political scientists, and engineers to understand and address this huge problem area. And the problem area gave them a focus for their cooperation.

Nathan: I see. Perhaps one more question: the faculty members in an interdisciplinary venture, do they suffer with respect to promotion in their own departments?

Heyman: That's a good question. I'm sure some do, but I would say, generally speaking, they don't. Many of the people doing interdisciplinary work are very able. Their product often is valued in their own disciplines as well as more broadly. But there are cases to the contrary so participants whose home bases are in departments have to be careful because their work will be judged by departmental peers.

Nathan: Of course, the rewards must be extraordinary to them in participating?

Heyman: Well, I believe so. It permits faculty to do work that interests them. And often they attract wonderful students. Those in ERG are a good example.

Health and Medical Sciences Program

Heyman: That leads me to a second program that I inherited--the Health Medical Sciences Program. It had many parts. An important one provided the first two years of the M.D. curriculum with students finishing at UCSF. This was a troubled program. Although it was a joint program and students had to be admitted at the outset by both Berkeley and UCSF, UCSF didn't like having "their" students educated elsewhere with a curriculum determined largely by others. Moreover, students attracted here seemed more interested in general practice and public health concerns than those who started at UCSF. Finally, at the program's outset, the students doing their first two years at Berkeley didn't do as well on boards as people at UCSF.

I fought hard for the program's continuation for three reasons. First, it was the chancellor's program and he felt strongly about it. Secondly, the students in the program

passionately believed in it. Finally, the faculty centrally involved were people I respected. These included Henrik Blum and Leonard Duhl.

Interestingly, a number of faculty at Berkeley were troubled by the program's existence. They feared Berkeley being saddled with a medical school which would gobble up too many resources; Al Bowker on the other hand liked the avant-garde nature of the program and its potentialities for bringing more resources to the campus.

The medical program still exists as does genetics counseling, another part of the original program. A third part, a program providing a master's in health care systems designed largely for students in other degree programs, has metamorphosed into a graduate group that offers a Ph.D.

An important reason for my enthusiasm for both Energy and Resources and Health and Medical Sciences was that the students in the programs were dedicated, lively, intelligent, and inspired. It seemed to me that we ought not to frustrate their ability to work hard, to be well educated, and to be productive, simply because it required new academic mechanisms for these to occur.

Those stories remind me that even the Budget Committee could very occasionally act inappropriately (in my view) by penalizing an individual under review for the sins of his department. In one case, for instance, the committee recommended against tenure for a well-qualified candidate because the committee had advised previously against the establishment of the position itself in that department. Their advice had not been followed as it should have been, but the chancellor and I thought it inappropriate to visit the department's sin on this person, who had been a very productive scholar and a good teacher, and we overruled the committee.

Saving the School of Education

Heyman: A third educational issue involved the School of Education. This occurred during my first year as chancellor, but the topic is most relevant here because I still was in the process of shedding my vice chancellor role and I spent a lot of time on the school's problems. A senate committee chaired by Neil Smelser recommended that we close the school and transfer some of its functions to other departments, schools and colleges on the campus.

Nathan: Were they arguing the relevance question?

Heyman: They were arguing the whole question, of whether what one learned at the school was valuable, whether the faculty's research was commendable and whether the school had a coherent and demanding program. In general, the committee answered each question negatively.

Doris Calloway was just coming in as provost of the professional colleges and schools, and we put together an administrative committee to review the report. Most significantly, the school was without a dean. We put it in "receivership" and asked Steve Weiner, who

worked for Aaron Wildavsky in the School of Public Policy and now heads the Western Association of Schools and Colleges, to act for the administration at the school until final decisions were made.

Weiner did a first-rate job analyzing options and eventually recommended that the school be continued. We concurred, and I wrote an opinion explaining why we were rejecting the senate recommendation and how we thought the school could be reformed. That opinion guided the provost in her search for a new dean.

Nathan: What was your reasoning for wanting to fight for it?

Heyman: Well, I thought that we had an obligation to deal with problems besetting elementary and secondary education. We could do this in three ways: by training new teachers, by providing advanced education for those in the profession, and by carrying on relevant research.

We were training a handful of new teachers. The numbers were small, but the caliber was high. Most newly certificated teachers, of course, are trained at the state colleges. The school devoted a good deal of time to programs aimed at the professional advancement of administrators in elementary, secondary, and community college settings. It offered masters and doctorates, both Ed.D. and Ph.D. Most of the students were part-time, and the senate did not perceive most of the courses as comprising a hardcore academic program.

I envisioned a School of Education that could emphasize two goals. The first was the provision of good teachers by enlarging the certificate program and recruiting within the student body at Berkeley. Perhaps this could lead to a four- or five-year combined curriculum providing a B.A. or B.S. and enough credits in education courses to merit certification with or without a master's degree. The second goal was the reorientation of the faculty to treat the school more as a professional school than as a pale mirror of departments in the College of Letters and Science. I saw vigorous identification with the teaching profession with research guided by problems encountered in schools. I saw research outcomes as both reform-oriented and more theoretical. And I concluded that progress was more likely in the context of a school than in a number of disassociated departments.

Unfortunately, my vision was not followed and I am sure that someday in the future the problems will be revisited.

Each of the educational issues I've described were special ones; obviously the vast majority of educational matters are handled by faculty in their departmental college and school capacities, with a bit of oversight by Academic Senate committees.

As a matter of fact, I used to joke occasionally that I could stand by my window at California Hall and watch students streaming to classes and realize that I hardly had anything to do with any of them. Which is a way of saying that education here occurs at the grassroots level. It's not the administration that carries on the educational programs. Rather it's the departments and the faculty within departments.

Nathan: It's interesting how your legal training helped you in those fights and struggles.

Heyman: Yes.

Continuing Outside Projects: Teaching, Research, Arbitration

Heyman: When I became the vice chancellor I continued some of the activities I was then doing. One was teaching the bar review course, which I had done for many years. I taught in San Francisco, Los Angeles, and San Diego. I gave that up after two or three years. I also continued teaching in my departments a bit. From time to time, I taught property law at the law school, and the course with Bob Twiss in the College of Environmental Design on Regional Environmental Planning.

As I recall, I also completed a book on open space law with Roz Rosenfeld, so I was finishing research that I previously began.

A major activity for a while was continuing arbitrations that had started before I became the vice chancellor. The first was in Alaska between two Indian groups under the Alaskan Native Claims Settlement Act. Boundary lines separating lands designated for different groups (really tribes) were established by the Secretary of the Interior. The land grants were large, and monies were also awarded largely as compensation for the taking of oil and other resources. The amount of monies granted to the companies formed by the Indian groups depended on how many people were members of the tribes. And how many people were so enrolled depended upon where the boundary lines were drawn.

There weren't that many Athabaskan Indians and Eskimos in Alaska, so changing a boundary line that moved 200 or 300 people from one territory to another could make a large difference in the distribution of the common fund. If there was disagreement as to the accuracy of the line drawn by the Interior, the Settlement Act provided for arbitration. Each Indian corporation selected an arbitrator, and they had to agree on a third, neutral arbitrator. For a number of reasons, I was chosen as the neutral arbitrator in the first arbitration. The conflict was between the Ahtna Corporation, mainly in Anchorage, and the Doyon Corporation, mainly in Fairbanks. The boundary line issues involved about 300 people. They represented about \$3 million; that was a lot of money in the early seventies.

It was a very interesting arbitration, and I learned how effective it can be having a panel with two partisans and a neutral. Eventually, I was able, truthfully, to point out to each of the partisans separately where I saw important weaknesses in their case. The chances then were enhanced that they will come to a settlement. And that's what happened in the case.

The case worked out well enough so that the Ahtna group sought me out to be a permanent arbitrator between themselves and Alyeska, the Alaska pipeline company. Ahtna and Alyeska had entered a complex contractual agreement under which the Ahtna Corporation was to be given first option on any procurement contracts to be let by Alyeska for services on Ahtna land, so long as Ahtna was capable of efficient performance. If Ahtna was turned down, the capacity issue was arbitrable under the contract. Alyeska agreed to my appointment largely, I believe, because I had done so

much work with the American Bar Association. I could be attested to as a fair-minded fellow by members of the Business Law Section of the ABA known to the general counsel of Alyeska.

The first case between the two that I arbitrated resulted in an amicable settlement under which Alyeska paid \$4 million to eradicate the preference provision in the contract. That was the end of my work there because they no longer had a reason for arbitration.

I enjoyed the arbitrations. It was like being a judge. It was somewhat similar to my law clerk experience, although the responsibilities of decision were mine. But it required me to act like a real lawyer, which I really enjoyed. This was another experience where I did a lot of work for very little money.

Nepal Project and Seeing the World

Heyman: There were some other grand experiences when I was the vice chancellor. One involved Nepal. The Public Health School had a maternal care birth control project going on there supported by AID [Agency for International Development]. The Nepalese government created an agency for this project in which they placed at each management level somebody from the Public Health School and somebody from Nepal.

AID thought that someone from Berkeley had to go to Nepal to wave the flag and act as the American ambassador for the project. The chancellor pointed at me and off I went. I had a great time. I decided that as Nepal was on the other side of the globe, I might as well go around the world rather than back and forth. The trip took three weeks.

My mother was very ill at the time, so I went first to see her in New York. Next I went to London for two or three days and saw a lot of old friends. Next, I was off to Israel, where I had never been. I spent three days there largely in the hands of a Christian Arab guide. I saw a tremendous amount in a short period of time. Then I flew on El Al to Tehran. The Shah was still in power so relations between Iran and Israel were cordial. Arriving in Tehran, I met an Australian fellow at the airport, and for the whole day we toured Tehran in a hired taxicab. Then I went on to Bombay and next to Sri Lanka. In most of the places I stopped, I saw Cal graduates. Sri Lanka had a large group of law enforcement folk who had gone to the School of Criminology here.

Finally, I went to Nepal for a week and stayed at a house rented by staff from public health. I waved the flag, conferred with Nepalese officials, did a day trip to the Chinese border and met a number of university faculty. I absorbed quite a bit of history and contemporary Nepalese culture. I then came home via Thailand and Hong Kong, a much traveled and somewhat more sophisticated vice chancellor.

Student Protests on Campus ## [6A]

Nathan: You were just saying that you had been thinking about some of the student protests of that era on campus?

Heyman: There were very few. The most major one occurred prior to my appointment. The chancellor closed the School of Criminology. This followed a faculty report urging that outcome. There were hefty demonstrations, but those preceded me.

One protest during my era concerned a sexual harassment case, but it never got out of hand. I do remember one demonstration of note, but I can't remember the subject. The reason that I recall it is that demonstrators had gotten into California Hall. We closed the glass doors outside of the chancellor's office, and there were some people battering on them, demanding to see the chancellor. Al Bowker came out, a demonstrator yelled a demand to him, and he simply said, "No," and turned around and left. It took the life out of the protest.

I'm not very happy during protest times. They produce a good deal of anxiety, so it is possible that I'm blocking out others that occurred, or there weren't many others that were noticeable.

Losses in the Administration Budget

Heyman: A notable occurrence in the late seventies was the loss in base budget and the concomitant need in one of those years to reduce expenditures by a million and a half dollars for campus administration. The task largely fell to me and required letting people in middle management go. I talked extensively with the provosts and vice chancellors, made the choices, and spoke individually and at length to those who were to leave.

Pete [Francis X.] Small, who was then in charge of personnel and later became the ombudsman, was very helpful in outplacement opportunities to the extent feasible. That was the first time I had ever fired people. It was not an easy task, especially as many of those affected were long-term employees; in many ways members of the family.

Nathan: Was this out of your administration budget, or out of the whole campus budget?

Heyman: It was out of the administration budget. We never touched the departments.

Nathan: That would be hard.

Berkeley Space Plan

Nathan: When you became chancellor, you sort of stayed with a rather lean-and-mean team?

Heyman: At least in terms of the major actors, we didn't add anybody. Rod Park took over the job I had. George [Maslach] phased down, and we got a new provost of professional schools and Colleges, Doris Callaway, as well as a new provost and dean of L & S. George, on his way to retirement, did a wonderful job in overseeing the preparation of a campus space plan, a prerequisite for obtaining capital funds from the state.

Nathan: Now, is this the long-range development plan?

Heyman: No, this preceded it. It was something called the Berkeley Space Plan, but it had many of the ingredients of a long-range development plan. It essentially determined the uses to which we were putting building space, calculated the amount of unused space, and related the foregoing to state space standards. We absolutely had to do this to be able to justify the need for at least two new biology buildings, which the state was going to help fund.

Encounters with Governor Jerry Brown and the Sacramento Scene

Heyman: I spent a lot of time in Sacramento when I was vice chancellor. Most of it was during Governor [Edmund G., Jr.] Jerry Brown's tenure.

I knew Brown slightly. In 1960 or '61, I was sitting in my office at Boalt Hall and this bright young fellow comes in, named Brown. I had no idea who he was, but we had a long conversation about where he ought to go to law school. He was a student at Berkeley in classics, if I remember correctly, and he was trying to figure out whether he ought to go to Yale (he came to me because he knew I had attended Yale), or to Boalt. His father wanted him to go to Boalt, but he wanted to go East. I asked him, "Can your father afford to send you?" "Oh, yes, there's no problem with that." So finally I said, "Well, are you going to live in California?" He said, "Oh, yes." I said, "Have you ever lived in the East?" "No, I've never lived in the East." So I said, "Why don't you go East? Yale's a fine law school and will be a whole new experience for you." We talked about many other matters too.

And then when I taught at Yale Law School as a visitor a couple of years later, there was Jerry. So all I really knew of him were in those two encounters. I saw him a few times at Yale. I went home that evening and said to Therese, "I had a long talk with a very intelligent young undergraduate today." She asked who he was and I said, "Some student named Brown." She asked whether he was related to the governor. I said, "Brown, schmown, of course not. Everybody's named Brown." But it turned out it had been Jerry and Therese's intuition was again correct. So that was my first encounter with him.

In the course of his administration, we occasionally saw each other. One time he called me to find out whether I would support the appointment of Frank Newman to the California Supreme Court. Frank was a colleague here, and I gathered had been brought to the governor's attention by Rose Bird, who had been a student of mine at Boalt.

Another time he had me come to Sacramento to discuss whether I was interested in joining his administration to deal with farm labor problems. It turned out that neither of us thought that would be wise.

And then, oh yes, we had a wonderful contretemps, which relates to one of my tasks as vice chancellor. The College of Engineering was raising money to add two floors to Cory Hall, for the electrical engineering department. The campaign required a state match and we had to prevail with the systemwide administration to get into the university budget. We prevailed, but only after the preparation of the governor's budget. So we went to the legislature for an augmentation. I was the chief campus spokesman for this.

Prior to these events, the governor appointed me to a commission devoted to fashioning ways to foster cooperation between high tech industries, the university and the state government. The commission had met a number of times and I attended all the meetings.

But to continue with the Cory Hall tale: the legislature amended the governor's budget to include the needed funds. Then, lo and behold, Jerry Brown vetoed the addition.

I was absolutely astounded. I had talked directly to the governor about the importance of the appropriation and how it was a natural fit with the activities of the commission. In fact, it was a prototype.

I was just furious with the veto, and I decided to bail out of the commission, so I just didn't show up for the next meeting. I was in Washington when that meeting occurred. The governor called me there and asked, "Why aren't you here?" I said, "Well, why should I be, given your cavalier action?" I don't remember attending any other meetings, but we did get the funds the next year.

That was towards the beginning of my activities in Sacramento, largely discussing Berkeley and general university matters with individual legislators and legislative committees. I discussed universitywide matters at the behest of the UC legislative office. Much occurred while I was vice chancellor, and continued during the time I was chancellor. This was when I first got to know John Vasconcellos, the chairman of the Subcommittee on Higher Education in Ways and Means, and a legislator passionately interested in educational matters. The university budget went through his committee. He was angry at Berkeley for a variety of reasons, and he and I used to communicate about them a lot.

I remember once when a decision was made within L & S not to do something that John wanted, and he was furious. I wrote him a five-page handwritten letter essentially saying that in an academic community where decision-making was very decentralized, people had to have the ability to make "wrong" as well as "right" decisions. That was the essence of grassroots governance, and I would only overrule decisions that were clearly arbitrary and unreasonable. John did not object to that reasoning and we have always been and remain very good friends.

Nathan: So you were lobbying from time to time, or testifying, not only for Berkeley but for systemwide?

Heyman: Well, most of the issues involved Berkeley, but a number involved the whole system. I think I was viewed by systemwide, and properly so, as part of their team, and not on a Berkeley excursion.

Nathan: Was it comfortable for you?

Heyman: Oh, yes, I always enjoyed legislative politics, at least I did then.

Brown vis-à-vis the University

Nathan: Did you ever get a clue about what seemed to be Governor Brown's antagonism towards the university? Certainly it was evidenced in budgetary affairs, sometimes others as well.

Heyman: It was clear that he was hostile. I've never really understood it. Most of his statements referred to UC as an especially conservative establishment run by a faculty that didn't care very much about educating youth, but only about doing its own research.

I suspect his attitude towards the university had more to do with his views about authority in general than with anything else. But I don't understand his attitude in this regard any better than I understand many other things about Jerry Brown.



Vice Chancellor Heyman leading a ceremonial parade, 1980s

IX. CHANCELLOR, UNIVERSITY OF CALIFORNIA, BERKELEY, 1980-1990

Nathan: Well, you had a close view. Are you ready to think about being the chancellor?

Heyman: Well, let's start there and go for a while.

Nathan: Fine. Maybe you'd like to start with 1980, and who your advocates were, and what attracted you to the post.

Rumors, Leaks, and Saxon's Invitation

Heyman: David Saxon was president and chaired the search committee. Before that, when he was the executive vice chancellor at UCLA, we were members of the vice chancellors' group I described earlier. So we knew each other fairly well. But I wasn't privy to what was going on in the chancellor search. The committee talked with various people, but they never interviewed me.

In fact, no one ever asked me whether I was interested in being chancellor. It was very odd. I think David assumed that being the vice chancellor, I would accept the job if I were chosen. But as I say, nobody asked me.

I had been at meetings with the Council of Chancellors quite a bit during the winter before David made his selection, because Al Bowker was ill and hospitalized for a while. Thus, I represented the campus on systemwide matters during that time, and I obviously thought about whether I wanted the job. I concluded yes. In addition, there were statements and leaks from the search committee that I was to be chosen.

In early spring, however, rumors were rife that Saxon was going to appoint Vartan Gregorian, then provost at Pennsylvania. It was said that he had mightily impressed the search committee. Finally I called David and said, "Look, what's the story? Rumors are abounding and I'm getting mixed messages." He was evasive in that conversation, and I concluded that Gregorian would be chosen. I began to plan my next year at the law school. I sat down and wrote out in detail what I planned to do, and got pleasantly used to

the idea of returning to teaching and research. It was quite attractive, other than the loss of face.

But then Gregorian took himself out of contention without saying that he had been offered the position. David told me that was true. I was a bit skeptical, but I didn't press the matter. Apparently, Gregorian decided to stay at Penn because he was the faculty's candidate to be the next president. As it turned out the trustees chose another person after a bitter fight and Gregorian went on to a distinguished career as head of the New York Public Library and as president of Brown University.

In any event, David asked me to be the chancellor and I accepted.

Nathan: There is a statement that Bowker made, concerning his feeling about '79 and '80. Various members of his staff he thought were ready to do other things, and he said that Mike was certainly ready to do something else. That sense of timing was interesting.

Heyman: I think that Al was referring to queries I had from other universities. I got two offers that were very attractive, which I obviously turned down. And I was a candidate for a third, but another person was chosen. I might well have accepted that one if asked.

In addition, Al was thinking seriously of stepping down a year earlier and we vigorously argued with him that he should stay on at least for another year or two. We prevailed.

Agenda: Upgrading Biology, Facilities, Fundraising, Housing; Affirmative Action

Nathan: At any time, had you formulated what you would like to accomplish if indeed you were chosen?

Heyman: Yes. Many of them I stated in the inauguration speech that spring. I surely knew I wanted to address the biology problem which Rod, George, and I had already started considering while I was vice chancellor. It was clear that we had a serious problem evidenced by precipitous drops in many departmental ratings. Our problems largely were lack of critical mass in molecular biology, fragmented organization, and very out-of-date facilities. We had begun to work out a strategy to remedy these problems, but the solutions were very challenging.

I also knew that we had to do something about facilities in general. I knew that we had to raise much more money than we had previously, both to improve facilities and to enhance programs. Additional funds had to come from private sources as well as the state.

Some of the units, for instance the business school and intercollegiate athletics, had good fundraising records. But our capacity to raise private money centrally was inadequate. We had to professionalize our central development office. This was very difficult because it meant demoting Dick Erickson and recruiting someone with a professional development record. Dick's primary orientation was alumni affairs. He had always been an extraordinarily loyal person to the university and was admired for a lot of very good reasons. But development was not his strength.

In addition, affirmative action continued to be a priority and I wanted to build on the program we started in the late seventies for undergraduate students, and then stimulate more action at the graduate and faculty levels as well as the upper staff ranks.

Further, I wanted Berkeley to be able to offer dorm space to any freshman who wanted it. This meant that I gave high priority to acquiring what is now the Kerr campus. That acquisition (of the former site of the School for the Deaf and Blind) was the subject of deep conflict between the campus and the city for some time. In addition, I was interested in our building additional student housing on northside.

Lower-Division Curriculum and University Structure

Heyman: I wanted to do something more organized in the undergraduate curriculum, especially regarding lower division. An idea was to do sets of focus areas cross-cutting courses in freshman and sophomore years. This was based largely on Neil Smelser's provocative image of university instruction: departmental courses for upper division and graduate students are quite coherent. Courses relate to one another and the logic of their interactions can easily be understood.

So many of the courses in freshman and sophomore years, however, are introductory courses to majors. They look like ganglia hanging down from coherent majors. Looked at across the curriculum of a typical L & S student, they don't relate so as to make much sense. For instance, students, especially freshmen, have very little idea of the relationships between elementary sociology and elementary political science, not to mention the greater difficulty in relating courses in the humanities and the sciences.

How to make lower division education coherent is not an easy task. This is the "general education" challenge. One idea was to create some courses that integrated knowledge. But, unfortunately, I never managed to accomplish anything substantial. The challenge is especially difficult because the university's organization is so departmental, the teacher-student ratio is so lean, and a large proportion of the faculty is more interested in upper division and graduate courses.

[6B]

Heyman: The result makes economic sense. At lower division you can educate a lot of students with a good lecturer and teaching assistants, reserving resources that enable more personalized treatment at upper division and graduate levels, where subject matter is more complex and students more attached to the fields. This underlies why I believe that Berkeley is more attractive to upper division students than to those in lower division. There have been proposals made episodically to turn this whole thing around, so that we spend substantial faculty time at the first and second year, and then in the third and fourth when students are more capable, rely more heavily on self-education. But these have not met with favor.

Undergraduate Learning

Heyman: In any event, having ventured into the world of undergraduate curriculum, I retreated, perhaps finally understanding that it is not possible to create the atmosphere and priorities of an elite undergraduate college in an elite public research university like Cal where core institutional funding per student is appreciably less than that enjoyed in comparable private institutions.

But you know, having said that, it's really surprising the extent to which young people learn at Cal. If you look at the freshman and sophomore years as a maturing experience in preparation for serious intellectual challenges that follow, it works pretty well. It also effectively teaches students how hard one has to work in college to do well and assures, for most, competency in basic skills like writing, ability to read with understanding, computer capacity, and basic mathematics at the calculus level. But we do not offer to many intellectual coherence in the beginning years.

Staff Retreat, Strategic Planning, Change

Nathan: I see. Would you like to say anything about the retreat that you organized with your staff when you first took over?

Heyman: Well, I organized a senior staff retreat when I first came, and then we held one every year thereafter. They lasted at least two days, occurred early in the fall, sought to identify problems likely to arise that year and possible responses, and assessed progress on our long-term initiatives.

I said earlier that I had an agenda in mind when I became chancellor: to open up the campus more broadly to minority students, staff and faculty; to enhance substantially our capacity to raise private money; to remedy serious deficiencies in the condition and capacity of buildings devoted to academic activities and students' housing; to assure that we reestablished our stellar national reputation in the biological sciences; to maintain the quality of faculty and to improve undergraduate education.

These themes appeared in one form or another at every retreat. Moreover, they were the bases of my repetitive reports and speeches. I believe that if one keeps informing faculty, staff, and students of what one is trying to do, at least 80 percent of the folks are willing to follow the lead. Strategic planning, to me, is having a coherent set of ideas, and hammering them home at every opportunity. I think that if you read through the annual reports to the campus community that I wrote for the ten years that I was chancellor, you will see the same subjects in every one.

Nathan: Exactly.

Heyman: That was absolutely by design. It was really a series of progress reports that reiterated our goals. I think this is the way to get big organizations to act together and bring about

change. Of course the nature of the goals is important and they must be viewed as justified ones.

By the way, these were central goals and didn't mean to stifle change occurring at the department, school, and college levels, much of which occurred. But setting out a short list of institutional goals, and reiterating them, is central to their realization.

Nathan: Okay. Now, when you came in as vice chancellor, you were saying that the personnel sector was essentially in place?

Heyman: Yes.

Easing Transitions

Nathan: When you came in as chancellor, that was not quite the same?

Heyman: Oh, no--the only job that was open was my old one. But I did want some change. First, I chose Rod Park to be the vice chancellor because of his competence and my desire to retain some continuity. But this required getting a new dean and provost of L & S. I also desired to make a simultaneous change on the professional colleges and schools side to give me greater flexibility to focus on my agenda. So I also made plans to recruit another new provost. I also wanted to recruit a seasoned professional to head the development office.

Nathan: Did I understand correctly that it was Chancellor Bowker who started it, or perhaps you did, taking the whole fundraising function and bringing it into the chancellor's office? That would mean that the Alumni Foundation no longer would do fundraising. Was that yours?

Heyman: Yes, that's correct. When I became chancellor, we did have a central development office. But much of the money-raising on the campus was being done in the business school, in intercollegiate athletics, in engineering, and in the law school. The Alumni Association raised a little money for alumni scholarships, and of course, from time to time, we received large gifts from a few donors like the Haas family. The central development office was a relatively low-key operation.

Al had started centralizing it and invented the tradition of 50th reunion classes donating an endowed professorial chair. He appointed Dick Erickson, who had been the executive director of the Alumni Association, as the development officer. Fundraising, however, was not a very noticed activity.

In any event, I wanted the personnel changes to occur gently because the incumbents were fine people who had done wonderful service. For instance, Bob Kerley stepped down as vice chancellor for administration and we recruited Ron Wright, but I asked Bob to run the development office for a year, and to recruit his successor. Bob did a fine job in finding Curt Simic. Meanwhile, Dick Erickson became second in command of that

office. I asked George Maslach to take on space planning, which had long been an interest of his.

All of these changes took a year or two to work out, it was a gradual process. Moreover, as I recall, the changes were consistent with the plans of the incumbents, for whom I have great respect. They were great leaders, and their final contributions to the administration were very important.

Nathan: In a way, you set up their successors for success?

Heyman: I think so, yes.

Organizational Chart and the Vice Chancellor's Role

[Interview 4: October 31, 1995] ## [7A]

Nathan: Now we are getting into your years as chancellor, and you were thinking about certain topics. Would you like to pick one?

Heyman: Well, it's very hard for me to remember chronologically. I wish I had my calendars from those years with me. Obviously, as I indicated, personnel was a primary topic. I didn't want to upset apple carts all at once, but I did want to make some changes.

The first thing I did was to continue the organization that I inherited from Al Bowker. As a matter of fact, it so impressed me that I used it as the basic organizational structure at the Smithsonian. This meant having two principal vice chancellors who reported to me, one for administrative matters and the other, the vice chancellor to whom the provosts reported. In addition, we continued the reorganization that had started when I was vice chancellor with most of student affairs staying on the academic side, with the exception of housing and financial aid. "Student Affairs" became "Undergraduate Affairs" and Professor Watson [Mac] Laetsch became its head with reporting lines to the vice chancellor. Thus, undergraduate admissions, registration, tutorial programs, intercollegiate athletics and more, were explicit responsibilities of the "academic program" side of the administration.

As I stated, the first recruitment I made was for the vice chancellor, and that was relatively easy. Rod and I had worked closely together for many years and knew each other very well.

Nathan: And this is Roderic Park?

Heyman: This is Roderic Park. I sought and received a number of recommendations from the Budget Committee, but I chose to go with Rod.

Immediately after I took over as chancellor, Rod took off on the Trans-Pac, a sailing race from California to Hawaii. He sailed that whole distance by himself (singlehanded), a very hard thing to do. Then he brought the boat back. When you go west to Hawaii, it's a

straight push, because the winds are behind you. When you come back, you have to tack way to the north before you can come south. It's a long, long trip. It gave me a lot of time to think about who the vice chancellor ought to be. [laughs]

I never regretted choosing Rod. He was a sensible, strong, and accomplished vice chancellor.

Development Office: A Money-Making Machine

Heyman: I had concluded early that we had to upgrade Cal's development effort. The people in charge were very good at alumni affairs--at "friend-raising"--but weren't trained and experienced at high-level money raising. But you don't act precipitously at Cal, especially because Dick Erickson had been around for a long time and was deservedly a great favorite of many old-timers here. As I mentioned, I asked Bob Kerley to take over the development office and to recruit a successor to himself who would fit the model that I wanted. Bob chaired the search that brought Curt Simic here, and Dick continued with Bob and Curt for a number of years.

Curt Simic turned around the development effort at Cal. He reorganized the department, gained the confidence of the deans, undertook new programs, and organized our first broadly-defined capital campaign. We were raising \$15 million a year when he came and over \$100 million a year when the campaign reorganization was completed. He taught all of us a good deal and he elevated our sights immensely.

As Chuck Young at UCLA has said: a chancellor has to create a money-making machine because the needs are always enormous. We certainly had needs, especially for new facilities. This was the centerpiece of the campaign.

Curt was an important person, and I was both saddened and a bit angry when, in the midst of the campaign, he left and went to Indiana, his alma mater. But he loved the Middle West and it beckoned. This was, of course, the time that Mac Laetsch took over the development effort. But that's getting me ahead of the game.

So, Bob Kerley left the job of vice chancellor for administration and took over the development effort. We had done a national recruiting job and selected Ron Wright as the new vice chancellor for administration. Others wanted to be chosen, including a very close friend of mine at systemwide administration. But in the end, I chose Wright largely on the basis of his experience in carrying out the types of duties of the position. I might have erred in not choosing my friend, but I leaned over backward to avoid favoritism.

Doris Calloway's Abilities, and Subtleties of Gender Discrimination

Heyman: For the reasons I stated, we began the search for the new provost for the professional colleges and schools. I had been attracted to the capacities and capabilities of Doris Calloway, whom I had observed in a faculty seminar that Ernie Haas ran.

I went fairly regularly, and heard Doris make a presentation at one. She was the principal investigator for a large AID project that she had organized. She brought her project description to this group for commentary and for criticism. She made a splendid presentation and fielded numerous questions knowledgeably and skillfully.

I decided right then that if I was ever in the position to do so, I would want to select her for a major administrative role. If you'll recall, we never had had a woman in a major administrative job at Berkeley, at least during the time that I had been around. Here was a wonderful candidate.

As in the case of Bob Kerley, there was a crucial task that needed the attention of someone like George Maslach. This involved preparing a space inventory that needed to be done down to every square foot. This was an absolutely necessary predicate for seeking state support for new buildings. Sacramento then, and perhaps still, required rigorous space planning to justify any kind of capital improvement. Moreover, you had to deal with detailed space standards which, if you argued well, might be avoided. But they had to be taken into account as a reality. We had not done a formal space plan and inventory in the seventies, largely because Al, correctly, didn't think that it mattered. We weren't going to get new state-supported buildings given the budget problems and the needs of the new campuses. But now we wanted to prepare the case for new facilities, especially in biology.

George accomplished this project in a year. It was a critical ingredient in the success of our dealings with Sacramento to get new buildings in the eighties. I was very lucky, as I was with Bob, that there was a critical task to be done by a person going out of office. And it was done exceedingly well.

It took nearly sixteen months to do an appropriate search and then a review before appointing Doris as provost. I attribute the delay in part to appointing a woman to high office in a male-dominated institution. Some questioned her qualifications, others thought she was too aggressive. I suspect that these questions would not have arisen if she were male. But good sense eventually prevailed among the reviewers.

Nathan: How did she take it?

Heyman: With great understanding. Of course, she didn't know details because the process is largely confidential, but I stuck to my guns, and I was able to make the appointment. She did turn out to be a fine provost whose presence and judgment broke down barriers for women who thereafter were appointed to major administrative roles. But I do look back on the experience as a great education in the subtleties of gender discrimination. I'm confident that that has moderated immensely since then. But that was 1980, fifteen years ago, and we weren't used to having women in high places.

Then, of course, we needed a new dean of letters and science, because Rod had become the vice chancellor. I left that largely to Rod. He was primarily responsible for choosing the three successive provosts and deans of letters and science. I played a major role in all other appointments.

For instance, I had concluded that I wanted to have an academic, preferably a professor, as vice chancellor for undergraduate affairs. Norvel Smith had been the vice chancellor for student affairs for a considerable period. He had many strengths. One of his strongest was picking superior people such as Jim Brown in Student Health Services to work in his organization.

Nathan: This is Norvel Smith?

Heyman: Yes. But as I said earlier, I wanted a regular faculty member in the role to make more credible our efforts in remedial education and tutorials and to create a basis to affect undergraduate curriculum. Moreover, I thought that the success of undergraduate affirmative action efforts would be enhanced. Rod and I chose Mac Laetsch for the job and that turned out to be a wonderful appointment.

Nathan: Now, let's see. You mentioned Mac Laetsch earlier. Had he had a different appointment from you before this one?

Heyman: No, this was the first one. Mac was the driving force in the recruitment and admission of black and brown students.

Mac also picked up intercollegiate athletics which had reported to Bob Kerley on the administrative side. Bob had done a good job and had the right values respecting academics and athletics, but a regular member, in my view, could enhance and legitimize the considerable efforts thereafter made to provide academic advising and support for athletes.

Connecting with Major Local Government Administrators

Heyman: Those major appointments were made over a two-year period. I thought they worked well. I thought we really had a very strong administration. And we were very fortunate to recruit Dan Boggan as the vice chancellor for administration when Ron Wright left.

Nathan: Oh, yes.

Heyman: Boggan was the city manager in Berkeley. Previously, I had organized a group of local officials who met for dinner every eight to ten weeks. The group included the city managers of Oakland and Berkeley, the school superintendents of Oakland and Berkeley, and the county administrator. The idea was that familiarity would breed cooperation and, in any event, socializing gave us an arena in which to air our problems. It turned out that it was healthy and enjoyable for the executives of these major institutions to get together.

Nathan: Right. Now, you said city managers, school superintendents--

Heyman: Right, and the county administrator of Alameda County.

And so we met. We had dinner together every couple of months, and got along well. It was a lot easier to relate to the city governments in Oakland and Berkeley if I knew their administrative leaders. That helped the university in many ways. It helped facilitate programs that UC people were involved with in Oakland, and it helped in the relationship of Berkeley and the university at a time when the city council was very politicized. Dan Boggan, the city manager, and I were able to work out means of cooperation that were useful.

That's how I got to know Dan Boggan. When Ron Wright decided to leave, I knew that Boggan should be a prime candidate to replace him. Dan had been courageous and independent as a city manager and by this time a number of people on the council were tired of not having their own way. So I prevailed upon Dan to leave the Berkeley job and come here. Of course, he had never done any university administration at all. I was very grateful that Ron Wright was willing to stay on for two or three extra months while Dan picked up necessary background knowledge. Dan is a very fast learner and turned out to be one of the best head administrative persons in the system.

Nathan: Did he initiate the brown-bag lunches?

Heyman: Yes, he did that. He was a very good administrator, as smart as could be, and extremely respected and liked by practically all the staff. We became very good friends. He and Rod and I hit it off well and met together often to solve pressing problems. The three of us related exceedingly well.

I'm jumping forward in time now to speak of the final change in the campus' senior leadership. This involved Mac Laetsch taking over development after Curt Simic left in 1985. The reasons were two-fold. First, we couldn't afford the delay that would result from a full-scale search. We were in the midst of a very important campaign and continuity in leadership was crucial. Second, the Asian community decided that Mac was not trustworthy in his stewardship of the admissions process, which was ridiculous. I'll explain the controversy later. The Asian community had concluded that we had discriminated against Asian American applicants. This was not correct, but we had erred in failing fully to inform that community as to our process and criteria which left the admissions results for that year vulnerable to misinterpretation.

I would not have asked Mac to step down because of this, but when Simic left precipitously I wanted to move expeditiously to fill his position. Mac was an ideal candidate. He knew the donor community close to Simic, especially in nearby Contra Costa County where there are many wealthy and loyal Cal alumni. Moreover, he is entrepreneurial, convincing, and knowledgeable. Rod and I came to this sensible plan as we were walking back from the convention center to the hotel in Los Angeles after a regents' meeting. And it worked.

Further, we had two very effective faculty members who filled Laetsch's job. First, Bill Banks and then Russ Ellis. More about them later.

Nathan: To go back just a moment to this gathering, a very astute gathering, it seems to me. Did that help get some of the south campus and the Oakland projects started?

Heyman: Well, what it did was to permit us rationally to discuss subjects far from politics. The south campus projects, the ones run by Dorothy Walker, were made more feasible because we had a good relationship with the city manager. And generally, thereafter matters that could have been explosive were tempered by having Boggan here. Even after the move we continued meetings.

In addition, I also was able to build a relationship with the mayor.

Nathan: The Berkeley mayor? Loni Hancock?

Heyman: Yes, the Berkeley mayor. I always had fine relationships with the Oakland mayor. That was no problem at all.

Nathan: Was that Lionel Wilson?

Heyman: Yes, most of the time. In addition, we enjoyed good relationships with the legislators from the area, Tom Bates, Nick Petris (who always has been a tremendous Cal supporter), Al Alquist, Bob Campbell in Richmond, and even with Bill Baker in Contra Costa. Although Bill and I didn't agree a lot of the time, the relationship was quite cordial. We also had good relationships with George Miller and Ron Dellums, and with our U.S. senators. Pete Wilson, by the way, helped us considerably on a number of issues.

But getting back to the personnel, I was very satisfied with practically all the new appointments. In retrospect, there were a few that I would not have made, but that's always the case. Luckily they didn't involve the top echelon.

Regional Association of East Bay Colleges and Universities

Heyman: I also had the opportunity to continue an important regional organization that Al Bowker had organized. This was RAEBCU--the Regional Association of East Bay Colleges and Universities. Most of the members were community colleges, but it also included Cal State Hayward, Mills College, JFK, and ourselves. The chancellors and presidents of the members met monthly.

Al had started RAEBCU for a lot of reasons, primarily to nourish relationships with feeder community colleges. This was obviously a politically wise move, but it also led to smoother articulations. I kept this going and thought it worked out nicely. It was not a world-beater, but it was very useful to be able to call or be called by the chancellor or president of one of these institutions on a personal basis when inter-institutional problems arose.

Value of Relationships

Nathan: Did you feel that your being a figure on this campus for so many years gave you perhaps some ready connections or ready introductions?

Heyman: Well, it probably disarmed the faculty for a time given my substantial tenure and my active participation in Academic Senate affairs. I'm a generally likeable fellow, and not perceived to be threatening. It was a great advantage. It surely helped that I knew so much about Cal at surface and subliminal levels.

In any event, those are the people I remember most prominently in the first years of my term. Of course, Joyce de Vries, my secretary, moved with me from the vice chancellor's office where we had been together for six years. She's a superb secretary who continued with Chang-Lin Tien thereafter. She was very important in any accomplishments I enjoyed.

Nathan: So it took you about two years to get your team?

Heyman: Yes, it took about two years to get this team together, and then it proceeded as I indicated to you with changes thereafter, but I was quite pleased with them.

Borrowing, Training, and Keeping Staff

Nathan: There are one or two names I might ask you about.

Heyman: Okay.

Nathan: Pat Hayashi, associate vice chancellor for administration and enrollment.

Heyman: Oh, yes.

Nathan: That was '88, later.

Heyman: Right, but I'll tell you about him. I forgot what he was doing, but he was a relatively minor player in student administration. I can't remember his title. I tried to identify young minorities of promise to come over and work with me for a year or two. The first was Roberto Haro, who's now a prominent officer in CSUC.

[7B]

Nathan: When you say brought over, from where?

Heyman: I can't remember his department. He was trained as a librarian but was a departmental administrator. I can't remember which department.

Nathan: But from the faculty area.

Heyman: Yes, right. And Pat Hayashi was the second to come. As I indicated, what I was trying to do was find promising minorities, have them learn about the campus on a wide scale, and hopefully get them in a position to advance in the administration. In both those cases, good things happened.

Nathan: What kinds of responsibilities did you give him?

Heyman: Well, Pat wrote speeches for me, carried out studies of the admissions process, and performed a variety of other tasks. It wasn't line responsibility, but he dealt with very important matters as had Roberto. Both of these fellows did some work for other people in the administration as well as for me. Both of them worked out very well. Pat was especially helpful in giving us important insights as to the causes of the Asian American admissions controversy. And he was a powerful force in my taking on the intercollegiate athletics establishment. Pat, of course, stayed here at Berkeley, became associate vice chancellor in charge of admissions, registration, and allied subjects.

The person I haven't said anything about yet is John Cummins. When I took over as chancellor, Glen Grant continued with me as executive assistant and assistant chancellor as he had for Al Bowker. Glen and I got along fine, but Glen decided after a while that he wanted to take on projects on his own. He left to take on the leadership of an American college in Europe.

Professor Gene Lee talked me into bringing John Cummins over to take Grant's position. They worked together in IGS. John and I hit it off very well, and John remained with me for the whole time I was chancellor. And it pleased me that both John and Joyce de Vries stayed on in their same positions when Chang-Lin [Tien] became chancellor.

Line Officers and Direct Reporting

Heyman: John was the only person I had in regular capacity who served primarily as a staff person to me. In general, I rely on the line officers to advise me, and I don't maintain a chief of staff or a shadow administration. I work directly with the people who have the major administrative jobs. I've done the same thing at the Smithsonian. I only have one person who coordinates my activities and does staff work directly for me. But I don't have five or six people who are intermediaries between me and the chief line officers. And I didn't at Berkeley.

Nathan: And how does that benefit you, to have the hands-on people reporting to you directly?

Heyman: Well, it does a lot of things. First of all, it doesn't set up a competition between a person with a line job and the person in your own office who thinks he is in charge of that area. So it's more efficient. Second, it forces you into a close relationship with the line people, so you know more directly what's going on. After all, in the end, they're the people who make things occur. It's a lot better, it seems to me, to have them be members of your team, but also relatively independent in administering the organizations for which they're responsible. I like this form much better than having a number of special assistants.

As is obvious, I think that the fewer the better in high-level middle management. If you do this, however, you have to reserve the right to reach down and tap subordinates for special projects. I learned this from Al Bowker, and on occasion I would borrow somebody from the administration to work for me on a temporary basis. This worked so long as everybody understood what I was doing. I worked with a number of fine people this way.

Selecting Administrators

Heyman: I note that I forgot to talk about another very important office, dean of the graduate division, which became vacant when Sandy Elberg retired. The role is very important because the dean not only assures the quality of graduate education but exercises decanal responsibility for graduate students and assures the faculty of the bona fide intellectual efforts of the administration. Rod and I recruited professor of anthropology Bill Shack for the post. The graduate dean reported to the vice chancellor.

The graduate dean had some general responsibilities for research administration on the campus. But we began to experience some trying problems that required a new office: vice chancellor for research. The incumbent took charge of academic computing (then beginning to blossom) and the issues raised by the animal rights advocates. The latter were very testing both in facilities and the need to centralize animal care and veterinarian services.

After a search, we chose Chang-Lin Tien as the new vice chancellor for research. That, of course, was the beginning of Tien's move out of the College of Engineering to the central administration. He thereafter became executive vice chancellor of Irvine and then my successor at Cal. So I thought that was a successful appointment, right? [laughs]

Nathan: Yes. You're bringing a lot of people along.

Heyman: Provost Calloway retired as provost after four years or so because of illness (although I didn't know the reason then), and Judson King, from chemistry, took her place.

Nathan: It wasn't Carol Christ?

Heyman: No, Carol was chosen as provost and dean of letters and science in my last year. Carol was preceded by Bob Middlekauff and then Len Kuhi. Bob later left to become the head of the Huntington Library. After a term he decided to return and I remember adding a postscript to the letter of reappointment saying Cal needs "one good man." Both of us had been U.S. Marines and their slogan seemed apropos.

Alumni Association

Nathan: Would this be the time to talk about Mike Koll?

Heyman: I always liked Mike Koll. People were surprised when he became executive director of the Alumni Association after many years in lesser jobs, and he did such a good job. Mike had been around for so long running Camp Blue or Camp Gold, he was simply overlooked as director material.

The director job is tough, especially because one works directly for a board that changes its makeup frequently. So keeping the board happy is no easy task. It's much like being the manager of the ASUC stores and having a new student government come in every year. I don't know how anybody lasts in those jobs, given that kind of problem. But Mike stayed in the job for a respectable period and performed well. After his retirement, of course, Curt, or maybe it was Mac, brought him to the development office to work with older alumni whom he knew during the campaign. And he was especially productive.

Nathan: Right. He did an oral history with us.

Heyman: Did he?

Nathan: He took a lot of pride in his work.

Heyman: Yes. He's a fine man.

Nathan: We can always come back to more people when and if you feel like it. Could we get to your inauguration in 1981?

Heyman: Sure.

Nathan: Charter Day.

Charter Day Inauguration Speech and Strategy Plan

Heyman: My inauguration came well after my installation. To conserve money I decided I didn't want a separate inauguration and that we'd do it at Charter Day and combine ceremonies. I gave a straightforward speech about my aspirations for the campus during my term as chancellor, and it turned out to be my kind of strategic plan. You'll recall we did annual reports, and every annual report was focused on the points that I had stated in the inauguration address. Each was thus a progress report on my priorities.

Nathan: We might put it in here for the record: maintaining a superb faculty, renovating facilities, building a private resource base, sustaining and improving undergraduate teaching at the lower division, and creating an excellent and ethnically diverse student body.

Heyman: Right. I got them all done except improving lower division education. There were some cosmetic changes in that regard, but we never accomplished fundamental change. But all the rest did occur which pleased me greatly.

Of course, I had that awful demonstration at my inauguration. Some 100 people, mostly students protesting everything under the sun, were obstreperous. They verbally harassed

the speakers, but when I got up I got the microphone volume turned up and laced into them rather than ignoring them as the others had. Then my wife physically confronted them--she was in a yellow outfit as I remember--and read them out. Then they got up and started to march towards the podium, but then veered and left. It was very upsetting and very unexpected.

Nathan: It was the sixties revisited?

Heyman: It was very much like the sixties. We were astounded.

Nathan: Welcome to the new chancellor.

Convocations and Commencements

Heyman: Yes. Well, of course, I'd been around for a long time and had witnessed many demonstrations. This one, however, seemed pointless and especially ugly. And I really was angry. And poor Dave Saxon, he was very upset. I decided there and then to skip Charter Days for a while rather than to create a predictable stage for violent protest. We substituted other events like formal convocations in the early fall, and those worked out fine. Actually, this gave President [David] Gardner the opportunity to move Charter Days from campus to campus, a program he much desired. Berkeley's turn came up when Chang-Lin Tien was in office and it worked out well. By that time, of course, the campus was relatively calm. But in 1980-1981 it was otherwise and I thought that change in ceremonial occasions was a good strategy to outwit disruptors who sought by the most inappropriate tactics to suppress university events. Of course, I never questioned the appropriateness of civil forms of protest.

Nathan: You just outwit them, that's all?

Heyman: A few people objected to the ending of a tradition. I don't take those things quite as seriously as they do. But in any event, I did want a campus (rather than a systemwide) affair, and the convocations, I thought, worked out nicely. We did much the same things at the convocations as we did at Charter Day.

Nathan: Is this related in any way to the multiple commencements?

Heyman: In a sense. The campus switched from a central commencement to multiple ones by school, college, and department sometime in the sixties. Some wanted to reinstate a central commencement. I disagreed. We gave up a central commencement largely because of disorder. But we replaced it with a set of campus events that offered more warmth, participation and meaning to graduates and their families. I think the departmental and college commencements are at the right scale.

Nathan: They seem very popular.

Heyman: They're very popular, they're personalized, they confront the image of a large, impersonal institution. I think they're great.

Nathan: Now, if we're going to make ourselves scarce before they set the alarms, maybe we should think about stopping here?

Heyman: Sure, that would be fine.

Retreat for Senior Administrative Staff

[Interview 5: February 26, 1996] ## [8A]

Nathan: This is the afternoon, and we are now in the Strouse Room of The Bancroft Library. [tape interruption] In the last interview, you did get started on your chancellor's years. And one of the features, I guess, was the retreat, or is that the wrong term?

Heyman: No, that's fine. After my first year as chancellor, we began each academic year by taking the senior administrative staff away for two days. We would go to a nice place in Napa Valley or somewhere on the coast, and we'd talk about the coming year: its problems, possible solutions, and proactive programs. But primarily we sought ways to reinforce the strategic plan, which I had outlined in my inaugural speeches.

The retreats served both as planning and bonding sessions. Going away with fifteen or sixteen people, especially when it's done repetitively, strengthened our knowledge of one another and reinforced our dedication to common goals.

Nathan: Was there any formality in agenda or minutes?

Heyman: There were no minutes, except what John Cummins might have kept when he came aboard. And yes, we did do an informal agenda, so we could assign various people responsibility for particular topics that largely were identified by Dan Boggan, Rod Park, and me.

We rarely circulated papers. Presentations were generally informal. We never broke up into sub-groups because our numbers were small enough to allow us all to talk about all the subjects. This was positive because we thus shared everybody's problems, not just those that were most specific to our own areas.

So it worked out pretty well. I'm doing this at the Smithsonian also with the directors of the museums and other major programs. And separately I am meeting with principal administrators in the central administration.

Nathan: You are the one who organized a campus group, and got them together?

Heyman: Yes. I think that people's sense of ownership of the institution is heightened by retreats and periodic meetings. Inclusiveness is very important. You can't be so inclusive that everybody's there, because then it loses its special quality and its informal kind of communication. But you want to lean in the direction of inclusiveness rather than exclusiveness, at least in my view.

Nathan: Very interesting. There are some names that I could offer you, and you can decide if you want to say anything about them. Ted Chenoweth. (You've talked about Mac Laetsch already.)

Heyman: Yes. Well, Ted was leaving about the time that I became the chancellor. I knew him when I was the vice chancellor, but not very well because he was working for Bob Kerley. Al Bowker was not a meeting person, [laughs] and thus I rarely met with the people who worked with Kerley.

Inclusiveness, Color, and Gender

Nathan: Right. Then we have Russ Ellis, who came on board I guess in '81 as a special assistant, affirmative action and apartheid, is that right?

Heyman: Well, I don't know if it had apartheid in it, [laughter] but it had affirmative action. When I started out here, we had hardly anybody in the administration except white men. It's no secret that I have always thought that inclusiveness in terms of gender and ethnicity is important in many ways. It's important in terms of sensitivity to issues that one might otherwise miss. It's certainly important in being able to communicate with a diverse community such as the student body, and it is also important symbolically.

When I became chancellor, Norvel Smith was one of a few minority administrators. I was very happy to have him, and later Bill Shack and Dan Boggan. But there were no women. Helping to remedy this by appointing Doris Calloway as the provost of professional colleges and schools was a difficult task. In my view, there was considerable resistance to having women in high academic administrative positions. Interestingly, gender was a greater barrier than ethnicity. In a place as liberal as Berkeley, it's very odd that it wasn't until about 1964 that Herma Kay broke up the gender segregation in the Great Hall at the Faculty Club simply by sitting down at a table for lunch. Just think of that. This was 1964, in Berkeley, California. In retrospect it is absolutely unbelievable that it took so long.

Special assistantships was a means to bring people into the administration who knew communities. A number of people so recruited ended up as permanent incumbents of important jobs. Russ Ellis was one. He later became vice chancellor for undergraduate affairs. Another, whom I have mentioned, was Pat Hayashi, who came and worked with me as an intern, and thereafter became an assistant and then associate vice chancellor. And there were others like Roberto Haro.

Nathan: Right. That's very clear. Should we postpone comments on University House for later?

Heyman: All right.

Political Conservatives as Speakers

Nathan: There was some discussion of speakers for convocations and other events, with the question about there not being enough conservatives. Do you remember that? And Jeane Kirkpatrick's experiences here?

Heyman: Oh, yes, I remember that very well. There is no doubt that those arranging events on the campus were leery of inviting conservative speakers. Generally, we too often sought to avoid attacks by the radical fringe on and around the campus which obviously did not believe in free speech. But there were occasions to the contrary.

One of those occasions involved Jeane Kirkpatrick, and unfortunately we inadequately prepared for untoward protest. Kirkpatrick, the U.S. Ambassador to the U.N., was a speaker in a series administered by the Graduate Division. As far as I know the Graduate Division did not inform the Chancellor's Office of its plans. And campus police were similarly left out of the loop. The Graduate Division, bless its heart, was quite naive in those regards and made no special preparations to deal with confrontation; after all, it had never administered an academic presentation that produced such consequences.

Lack of Preparation and Some Consequences

Heyman: Soon after she began speaking she was verbally harassed unmercifully. There were no police around. The campus had taken no precautions. And she finally left the stage.

This reminds me of the Enola Gay incident at the Smithsonian: you have to take seriously the potentialities of brutal responses when you are planning events that can provoke serious opposition. You just can't stumble into things. This is exactly what the Graduate Division did as far as Jeane Kirkpatrick was concerned.

The aftermath of the incident was personally very troubling for me. The chairman of the regents that year, Glenn Campbell, head of the Hoover Institution at Stanford and a close friend of Kirkpatrick's, decided to go after my head at a regents' meeting soon thereafter. He proposed to a regents' committee on Thursday, prior to the full meeting of the board on Friday, that I be personally directed to administer discipline to those who had disrupted the Kirkpatrick event despite the campus' ignorance of who they were (the chances were good, as a matter of fact, that they were street people and not Cal students). Lack of knowledge of identity was part of having not been prepared, and I had absolutely no idea who they were. Clearly, therefore, I could never do what he sought and I'm quite sure he knew that. Nevertheless, he persisted in demanding action from the regents' committee and got a favorable vote.

A lot of politicking went on that night before the meeting of the whole board the next morning. When the committee recommendation was officially made to the board, I said that I would resign if it passed. I said something like: "Look, you can determine whom you want to have as chancellor, but you cannot properly micromanage the campus. If you

don't have enough faith in me regarding management, then I don't want to be your chancellor." The regents then voted and rejected the committee's recommendation.

This event was one of the incidents that led to Glenn Campbell being afforded only one year as chairman of the regents, rather than the usual two. I obviously didn't have anything to do with that decision by the board, but it was an additional consequence of the Kirkpatrick incident.

Putting aside regental politics, I was troubled by the specter and activity of campus self-censorship. It led me at one point to sponsor a campus conference bringing together a variety of viewpoints on controversial subjects. For example, we had an extended conference on the role of NATO and the potential use of atomic weaponry. I attended each session and introduced the speakers. We set it up very well, we chose good speakers, and we took innovative steps to assure order.

Perhaps our most useful tactic, suggested by John Cummins, was to hire the ushers who kept order at the Greek Theatre at rock concerts. These were big fellows dressed informally and who were not police and were not armed. But they were very effective in keeping an antagonistic crowd in order. This worked wonderfully.

Nathan: And perhaps the option of not having controversy is not a good option?

Heyman: No, I don't think it is a good option. And I respect the right of people to demonstrate their concerns. But I oppose the fascistic tendency, too often seen on university campuses, to throttle opposing speech.

Nathan: Those are tough questions.

Heyman: Yes.

Relationships with University Presidents

Nathan: Could we move on to your relationships with UC presidents?

Heyman: Sure.

Nathan: My colleague, Ann Lage, is interviewing the presidents. This is fortunate, because we're talking to different people about the same time period.

We mention here that with David Saxon, you overlapped for three years, is that right? And David Gardner for seven.

Heyman: That's right.

Nathan: And would you care to say something about those two presidents?

Heyman: Sure. Let's start with David Saxon. We had known each other quite well before I became chancellor because he had been executive vice chancellor at UCLA when I was vice chancellor here and we met frequently at meetings of vice chancellors of the nine campuses. He, of course, selected me as chancellor at Berkeley. The story of the appointment is interesting. Another candidate appeared towards the very end of the search. This was Vartan Gregorian, who's now president of Brown, was then the provost of the University of Pennsylvania, and thereafter became director of the New York Public Library. He's a wonderful man and I think highly of him. My guess is that if Vartan hadn't pulled out of contention, David would have chosen him. But he did pull out in main part because the faculty and the student body at Penn pressured him very heavily to stay and be a candidate for president there. Martin Meyerson was stepping down and Gregorian was a leading candidate. Ironically, the Penn board chose another person but Vartan went on to have an extraordinarily distinguished career.

In any event, David Saxon and I got along very well. David had wonderful strengths as president. He was a very solid academic who greatly respected the Academic Senate and, to the joy of a Berkeley chancellor, he believed that campuses should have considerable autonomy. He was thus a president with little interest in creating a statewide corporate organization.

David respected intelligence and was most comfortable in participating in probing discussions. Sacramento politics were not his strong suit. Actually, I spent a lot of time in Sacramento testifying for the university during those days. I was, and continue to be, very fond of David and very respectful of his conception of what constitutes a great university. It is too bad that he had to contend with Jerry Brown, who at least then was too often contemptuous of the university.

Then David Gardner became president. I had met him in the early seventies when he was a vice chancellor at Santa Barbara and I was on a committee investigating the Isla Vista riots involving the burning of the local Bank of America. It was evident then that David was an accomplished administrator who might well have solved that campus' problems if he had the authority. There was a certain awkwardness between us after his appointment because I had been asked to be president of the university and was very reluctant to serve.

What had occurred was that the faculty screening group recommended me to the regents' search committee to be the president. When I found out, I arranged an interview with Dean Watkins, the chairman of the search committee. I told him that I had been thinking about such an appointment, and had concluded that I was better fitted and happier at a campus level closer to the action. Thus I wanted to stay as chancellor at Cal.

Dean Watkins cautioned that I might not like a new boss but I said I was willing to take that risk. Watkins then asked, "If the search committee wants to talk with you, will you do that?" I said, "Of course," but reiterated my reluctance to take on the job.

Retaining the Weapons Laboratories

Heyman: Six weeks later, I got a call from Regent Watkins who said, "The search committee really would like to talk with you," and I said, "Okay." So I went to Los Angeles where the committee was meeting and spent three hours having a wonderful conversation with the search committee. I was very relaxed and told them all the things that I would do if I were president. But I emphasized that I didn't want this job.

In the course of our conversation I said a number of times that the university, in my view, had made a wrong decision to retain management of the weapons labs after World War II. I was troubled by both the security aspects and the need repetitively to defend the morality of building atomic weapons. Why should a university play such a role? But the committee apparently did not focus on those words. In any event, the interview ended and I immediately returned to Berkeley.

Almost immediately upon my return, Dean Watkins called and said that the search committee wanted me to be president. I was surprised, but I said, "It's very hard to say no in these circumstances, despite my reluctance, but I do want you to recall what I said about the labs." Dean asked me to reiterate my position, which I did. We talked about the issue at some length and he said that he would call back after further committee discussion. Then followed at least two more calls. In one I stated that the decision was obviously the regents', not the president's, and a decision either way would be legitimate. But I wanted the regents to know that I would try my best to convince them not to renew the contracts.

I was then told that the regents' committee would like to know whether I would publicly oppose the regents on the issue or do so only in executive session. I said that my opposition would be public. Dean said he would call back and in that call he reported that the committee didn't feel that public opposition would work out very well. I responded that "I absolutely understand." So we parted ways, and then they selected David Gardner.

Two things about that outcome. First, I shall always wonder whether my adamant stand on the labs was motivated primarily by my distaste for the job. Secondly, I think that the appointment of David was very sound for reasons I'll discuss in a moment. It's too bad he left under the circumstances that occurred, but this shouldn't take away from appreciation for his skill and accomplishments. But he and I started out in an awkward personal situation and it took a while for us to get over that hill.

Presidential Styles

Nathan: What would you say his strengths were?

Heyman: David is a genius in understanding complex organization. He has a chess player's mind. He knows where he wants to go and how to get from here to there. He's way ahead of everybody. He's a marvelous tactician, absolutely great. That's one of his major strengths.

A second great ability was chairing meetings (regents' meetings, most specifically). When complex and controversial matters were under discussion, David would wait patiently, then frame the issue with skill, go back in time and show its development, and then present a resolution of the issue that then seemed obvious. He thus avoided mindless controversy that so often occurs in a large group. Even when there was no obvious answer--affirmative action is a good example--David could frame the conflict and suggest a resolution in such a way that the regents nodded and we went ahead. He was very good at that. He's very bright.

As I said, David Saxon is a brilliant man. David Gardner, however, was also first rate, especially as an organizational leader. And the university did well during most of his tenure. Of course, we had some disagreements (for instance about divestment), but on balance, I think he was a fine choice as president.

Nathan: Would you like to say anything about comparing the way each of them worked with the chancellors?

Heyman: David Saxon gave the chancellors (and thus campuses) considerable freedom. David Gardner was more of a centralist.

[8B]

Heyman: For instance, he was adamant that he have the option personally to host important visitors to any campus on behalf of the University of California. David Saxon never thought of doing that. David Gardner stressed the nine campus university as the basic organization--not the nine individual campuses. And the president of the university was the spokesman for the whole university, with chancellors playing a more subsidiary role than under David Saxon. And I must say he did it very well, especially in Sacramento where he was sensational for most of his term.

Nathan: Do you think his tactical sense helped?

Heyman: Yes. His tactical sense, his intelligence, and his articulateness were his great assets. Whether you agreed with all his positions or not, he was a fine president. And I think it's so sad that his presidential career ended on a sad note, at least publicly.

Nathan: Right. At the chancellors' conferences, were you more or less the leader of that group?

Heyman: At the Council of Chancellors?

Nathan: Yes.

Heyman: Oh, no, the president was absolutely the leader. We were advisory. This was not a self-appointed group. That was his president's group that he met with. David Saxon had done the same thing. This doesn't mean that the Davids didn't try to orchestrate consensus, or didn't listen to our viewpoints, but it was clear that they made the decisions.

State Budget, and the University's Operating Funds

Nathan: Could you say a little about the state budget and how it develops, and how Berkeley gets its share, gets capital projects in line for funding, or obtains funding for programs?

Heyman: Well, the process is typical for large public organizations. The operating budget received by the university is allocated essentially on a formula based, in general, on student numbers. The formulas guide many sub-budgets, for instance faculty positions and a host of support budgets. The basis of allocations, however, in my time slightly favored UCLA and Berkeley because it reflected the number of graduate students in relationship to undergraduates. That put both those campuses in a preferred place regarding the distribution of general operating funds within the system.

This general formulaic approach, however, has been varied in certain instances. In the seventies, for instance, when state funds could not keep up with inflation, UCLA and Berkeley lost a significant number of faculty positions in attendant state budgets, which were reallocated to keep the smaller campuses viable.

Non-State and Opportunity Funds

Heyman: There are four major sources of non-state funds: donations, federal and corporate research funding, student fees, and receipts from auxiliary enterprises (from housing to football). Campuses, by and large, keep all of these except overhead on government-sponsored research. The latter goes to the systemwide administration. Much of it is returned to the campus that generated the research, but a fair portion is kept centrally and reallocated often for one-time uses. In addition, some older endowments are designated for distribution by the president.

I believe that Berkeley was treated fairly in these distributions. The only important issue of organizational principle involved the extent to which the president's office should invest monies coming initially to the system for programs it chose or should pass the monies through to allow campuses to make such choices. I had no major problems in this regard.

Capital and Operational Budgets and the Lobbying Sequence

Heyman: The state capital budget is treated separately at both the university and state levels; the university receives proposals from the campuses, decides on how large a request it feasibly can make, determines its priorities, and submits it to the state. Placement high on the priority list is thus the first step for the campus.

In the seventies it was the big campuses versus the little campuses. Thus during Al Bowker's time, when state funding for capital projects was lean, and there were desperate

needs at the smaller campuses, Berkeley was largely frozen out and we stopped aggressively seeking funds because it was largely futile except for a few special projects like matching funds to enlarge Cory Hall. We devoted our planning efforts to other purposes and let capital planning efforts lag. Thus, for instance, we did not keep space plans current.

When state money started to become more available in the eighties, when I became chancellor, we had to catch up. But once we had done our homework, (and as I indicated before, George Maslach played a major role in this), we did very well in convincing systemwide to support Berkeley projects, especially in the biological sciences. Systemwide is the prime mover in getting the projects in the governor's budget. Then it was largely up to the campus to convince the legislature to provide the funding.

Nathan: Each one?

Heyman: Each one, yes. The university list sets university priorities, but the legislature with recommendations from the Legislative Analyst and the Department of Finance makes the final decisions. The chancellors normally know the importance of particular projects, so it's useful to appear personally before the relevant legislative committees. Occasionally a campus will try to "sell" a project that hasn't gotten systemwide approval. That's seriously resisted, and correctly so, by systemwide because we do much better as a collectivity than we would if we were in competition with one another.

Nathan: Do I understand that you lobby systemwide first, and then Sacramento?

Heyman: Yes, in a way. You first have to convince systemwide, because it's the University of California capital projects list that goes forward, not Berkeley's. But I still had a lot of responsibility for convincing people in Sacramento of the wisdom of funding the projects that were specifically listed for Berkeley. Of course, systemwide budget folk appear with you in the arguments in Sacramento. But at least for Berkeley projects I was the principal proponent.

Campuses play a much lesser role in presenting the operating budget. Traditionally, a large portion of the operating budget comes in a single appropriation. It's not a line-item budget. If the total appropriation is \$695 million, you get a single sum for most of that amount and legally it's up to the university to make final allocations. Of course, the university generally spends consistently with the justifications it urged, especially for increases.

This generalization is not completely accurate because during the Jerry Brown administration, there were specific operating program augmentations for projects that interested the governor. This came as line items and were inconsistent with the tradition that supported greater university autonomy.

Nathan: This is Jerry Brown?

Heyman: Jerry Brown. But even then most of the operating budget was in a single appropriation. By the way, the alternative would be for each campus to present its own budget to Sacramento. This would run counter to the concept of a single university. This is a tempting goal, but I came to the conclusion that even for Berkeley, perhaps most

importantly for Berkeley, we were better as part of a system than we would have been had we been a single university. That was certainly true during the FSM days. We could have gotten punished badly in fiscal terms, but constitutional and traditional limitations hindered reaching Berkeley directly. The system (the single university) protected us. It is an adequate trade-off for the vexing limitations that exist when you are part of a larger bureaucracy.

Nathan: This whole Keeping the Promise, this huge effort, these are funds that came to the campus?

Heyman: Oh, yes.

Nathan: And then you, the chancellor, and the campus structure, made all the determinations, use of those funds?

Heyman: Most of the receipts were earmarked by donors for undertakings largely proposed by departments, schools and colleges, or faculty groups within them. The chancellor's office structured the campaign, ultimately decided what to include, coordinated efforts and helped to raise the funds.

Systemwide was not very engaged in these efforts, except the regents, of course, had to approve the eventual campaign undertaking. The president's office, however, never interfered and never gave us less state funds than we otherwise would have gotten because we had raised a lot of money. Sacramento behaved similarly because they understood that you don't kill the goose that lays golden eggs. Of course, a side product is that you can create more campus autonomy by raising more money. But the outcome is not inconsistent with the usual way the university operates. Rarely do systemwide people interfere with important campus operations; faculty hiring and tenuring, and curriculum are good examples.

Perspectives on the Nuclear Weapons-Related Laboratories

Nathan: To what extent do you think that the considerations of overhead income affected the discussion about the university's connection with the nuclear weapons-related labs?

Heyman: I don't think it played a material part. I believe that most of the management fees that we get for the labs (which are a form of overhead) are spent on the direct and the indirect costs of the laboratories. But even if we do profit a bit, nobody has argued that this is an important justification for our role. Rather, a solid majority of the regents have supported continuing the lab connections on the basis of national duty and obligation. This is not an irrelevant argument. But I think that it is an incorrect one because there are other forms of effective management that would not implicate the university as much with the product. Actually, my objections were not mainly moral ones.

Nathan: What were they?

Heyman: Oh, it was such a pain having to cope with the off-spill of the connection. I had no desire to have to defend the "university's" production of nuclear weapons, especially in a Berkeley venue. I was quite skeptical about the argument that the UC connection was important to lab recruiting of scientists, especially at Los Alamos. Moreover, DOE does a lot of direct supervision and our position can be somewhat nominal. I thought that cost-benefit was clearly in favor of spinning off the weapons labs and having them otherwise managed--for instance, a university consortium as with Brookhaven. Other universities so acted, even MIT spun off Lincoln Labs after the Second World War, believing that it had done its patriotic duty during the war and that the lab could be managed effectively otherwise.

My only hesitancy on the issue again was pragmatic. Would we lose our close connection with Lawrence Berkeley Lab--which does not do classified work? I was skeptical that this would result. Moreover, it seems inappropriate for UC to be the major U.S. weapons developers. It is an obvious "unrelated business."

Academic Senate and the Budget Committee

Nathan: That's very interesting.

Do you have any comments about the relationship of the chancellor to the Academic Senate and the Academic Senate's committees? I'm thinking particularly of the Budget Committee.

Heyman: Well, the Budget Committee is exceedingly powerful, especially in its role in faculty appointments and advancements. I think the empowerment of the committee, which of course is a pattern throughout the whole system, has helped considerably to maintain faculty excellence throughout the University of California. Typically the senate appoints its most prestigious academic citizens to the committee, and they take their responsibilities quite seriously. It renders its advice independently and it's probably the best institutional way in a public university of guarding against deterioration in all academic departments of the campus.

I spoke about this when I was describing my career as the vice chancellor. But I'll amplify those comments a bit here.

The committee's recommendations are advisory to the chancellor, and we very occasionally disagreed, perhaps eight or nine times involving tenure decisions in ten years--mostly recommendations of denial of tenure in circumstances where I thought tenure was appropriate. When I disagreed, I went back to the committee with the relevant provost and asked the committee to reconsider its advice. In some of those few cases, they changed their minds. In the balance I simply overruled. But, as I indicated, it happened rarely.

In addition to advice on personnel cases, I found the Budget Committee a sophisticated assessor of the state of the campus in general. I would share my perceptions at least annually, review the actions planned by the administration, and get very good general

advice, especially about the allocation of resources to colleges, schools, and departments. These were very good conversations.

As I've stated, I had been quite active in the Academic Senate before becoming vice chancellor and my familiarity with faculty and senate committees helped me to forge trustful relationships. This continued when I became chancellor. One useful form of communication was the monthly lunch at University House with the chairs of all the senate committees.

My only serious dispute with the senate, which occurred late in my term as chancellor, was with some members of the Committee on Admissions who felt that they had not been consulted adequately on aspects of the administration's affirmative action program involving undergraduate admissions. In general, however, I feel that the relationship was quite positive and that the senate was well informed about administrative initiatives and was well consulted.

Nathan: Would you like to take up some other issues of interest, not necessarily intellectual ones, but important to the campus? For instance, matters involving crime and safety, access for the disabled, acquisition of the Clark Kerr campus, People's Park?

Heyman: As far as crime and safety are concerned, I was not involved deeply. We had very good police chiefs reporting to a vice chancellor who had been a distinguished city manager, I didn't see what I could add to their expertise. So I stayed aware, but I didn't do very much personally except in relation to the major decisions when faced with substantial demonstrations and a few instances where charges of improper police behavior were made.

Regarding disability issues, again I was not centrally involved. I spent much more time trying to make the campus ethnically diverse. But we were very fortunate because Bob Kerley was very involved with these issues and did a superb job. He recruited others who later became the advocates and administrators of first-rate programs for the disabled and thus institutionalized exemplary systems at the campus. My major role was oversight and general responsibility.

Clark Kerr Campus

Heyman: I was quite involved, however, in the transfer of the Deaf and Blind School property to Berkeley. My role was mainly political. We can talk about this later in the context of city-campus relations. I am really proud of that acquisition. Our need for housing was great, the opportunities presented by the site were extraordinary, and the opposition to our acquisition was extensive. So I see it as a triumph of my chancellorship.

People's Park Agreement

Heyman: There is a note on People's Park.

Nathan: There's a lot to say. Do you want to talk about it now or later?

Heyman: Let's touch on it now and address it more fully in the city-campus context. People's Park was, of course, a product of the upheavals of the sixties. I won't talk of its genesis, only remind people of its symbolism as space "liberated" from institutional control and its devolution to an ugly area peopled by the homeless, the scene of drug transactions and sporadic violence, and the site of occasional political protest. But the university owned it, was responsible for its policing, and sought to exercise some control without stimulating the reoccurrence of riots. This has never been an easy task, especially in a setting where there is great sensitivity to the use of official force.

A lot of responsibility for keeping the peace, ameliorating tension to the extent feasible, and moderating the worst of behaviors, fell to Dorothy Walker, whose courage, patience, and tenacity are legendary. She handled the community relations in south campus. She listened, brought folks together, fashioned "solutions," and generally resisted being captured by the fury. But there were no solutions, only ameliorations, and interventions could be counterproductive. For instance, in Al Bowker's time a university-owned lot adjacent to the park was used for free parking. Al decreed that it would become part of the university parking system. The next day the street people transformed it into an extension of People's Park. Al wisely didn't go to war to reclaim the lot.

The park was just a problem that you kept pecking away at, did the best you could. Finally, at least during my time, it was the subject of a "comprehensive" agreement between the city and the university that [Berkeley Mayor] Loni Hancock and I worked out. The agreement caused me troubles with some of the regents who thought I had caved in to the radicals of Berkeley. But more of that later.

Affirmative Action and Ethnic Identification ## [9A]

Nathan: Does this seem like a good time to get into the discussion of affirmative action?

Heyman: Well, I am for it.

Nathan: That's refreshing.

Heyman: I spoke about my general attitudes on the subject earlier. I'll amplify on it a bit here. Let me tell you the major reason why I am in favor of affirmative action. I think that there are all kinds of arguments one can make about deprivation, equity, and fairness. I think that those are powerful arguments. But the argument that I have found most persuasive is that we live in a state where the population is becoming highly diversified, and if we don't have leadership groups that are reflective of that diversity, we will be in considerable trouble in the future.

Nathan: Are you thinking politically, economically, everything?

Heyman: I think that elite public universities, such as the University of California, have an obligation to have a diversified student body, both to prepare people for leadership roles and to provide opportunity for the interaction of people who are otherwise largely separated in this society.

Bringing people of different ethnic backgrounds meaningfully together is exceedingly difficult. Creating an integrated environment at a university is difficult in the midst of a society that is largely segregated. But the goal is worth the striving. Our own ideology will not permit a successful, non-violent, American form of apartheid. So I don't have any question about the legitimacy of affirmative action, especially in admission to educational institutions.

There are obvious costs to absorb. One is denial of admission to those who would otherwise be accepted and who perceive themselves to be wrongfully treated. The issue is whether the basis is wrongful--is it meaningfully different that "losing" one's place to an applicant preferred, for instance, for special talents (proficiency in athletics or in band performance) or for reasons of geographical diversity? Moreover, the numbers of people who are denied admission to Cal because somebody else has been preferred to them for any of these reasons is relatively small. Further, the campus sought ways to minimize the "disadvantage."

A prime means was to offer opportunity to a good number of students who were rejected to come to Berkeley during their first semester and take transferable Extension courses in freshman subjects which could be counted towards a degree upon transfer to the university in the second semester. They couldn't be "full" members of the university community for one semester, but they could for the balance of their Cal careers. We admitted hundreds of Caucasian youngsters (and others) in this way and it worked tolerably well.

The other cost, highlighted by a number of exceedingly high achieving African American academics, is that affirmative action admissions processes cause the true abilities of all minorities to be discounted and their presence to be attributed solely to race. I understand this argument, but the alternative to it, exceedingly low numbers of minority admissions, seems much more costly to me. Moreover, actual achievement minimizes this burden considerably. The obvious talents, for instance, of those who have complained most eloquently rob the argument of some, but not all, of its power.

You will recall that when I was vice chancellor, I worked hard to maximize the admission of competent minority youngsters. One reform was getting the university to change the application form so that it included the ethnicity of each applicant.

The other was to switch to a multiple application system--applicants apply separately to campuses that interest them. This seems much fairer to me for all applicants. Their applications are now read with much greater care and reflect seven semesters of high school records rather than six.

Administering an admissions system that has some flexible criteria is not easy. How to introduce some preferences for underrepresented minorities, but in a nuanced way that

balances numerous factors, is challenging. Over time, we kept refining criteria and processes and simultaneously the qualifications of the admitted minorities got higher and higher and higher. That was still occurring when I returned to the faculty and both retention and graduation rates continued to improve.

Let me repeat what I said before. Critics of affirmative action tend to compare academic performance of those so admitted and "regular" admittees on a one-time snapshot basis. An old snapshot can indicate considerable difference upon which generalizations are made. But if they looked at it as a movie rather than a snapshot, they would see numbers that improved as time progresses. In our case, the patterns are positive and a negative characterization is undeserved.

I hope that we have institutionalized ethnic diversity on our campuses despite the obstacle of Governor Wilson's Proposition 209 and the prior ill-considered regents' action [SP 1 and SP 2] stimulated by him. Continuation of a diverse student body will have to rely on sensible applications of flexible non-racial admissions criteria, rigorous outreach, and serious attention to the quality of K-12 education. I believe that it will be politically infeasible to reverse direction, although there may be a slowing in numbers for a while.

Outreach and Student Eligibility

Nathan: What about outreach efforts?

Heyman: I think outreach efforts are very important in two regards. First, they educate parents about requirements for eligibility and about the university's belief that their children can be successful in higher education. Secondly, they provide personalized contact between likely students and the university which can be specially motivating. My successor, Chang-Lin Tien, has boosted campus outreach efforts in response to the regental action on affirmative action.

Nathan: So you see this present, shall we call it backlash, as being not necessarily powerful enough to derail the whole movement?

Heyman: I don't think it will derail it. Nevertheless, it saddens me in three ways. First, it obstructs efforts which I think are critical in addressing racism, seemingly for partisan political advantage. Secondly, the conflict has undermined a healthy collegial relationship between the regents and a large number of students, faculty and administrators. Thirdly, it is viewed as a hostile communication by many underrepresented minorities--a sign that says "not welcome here."

[Interview 6: August 26, 1996] ## [10A]

Nathan: Here we are in the Strouse Seminar room in The Bancroft Library. [tape interruption] I'm glad to have you back in Berkeley for a little while.

Heyman: It's a pleasure.

Nathan: I think we are on the air.

Heyman: Good. You have a lot of suggestions here, Harriet, and questions. Generally, they are related to subject rather than time, so we'll be concentrating on unrelated subjects. I'm not sure how you're going to organize this in the end so it is coherent.

Nathan: We have learned to say "more on apartheid" or whatever if it comes up. Also, we have a very full index, so that we no longer try to stay in any strict chronological order.

More on Relationships with University Presidents

Heyman: You asked me earlier a little about relationships with UC presidents. The presidents I obviously knew the best were David Saxon and David Gardner. I knew Charles Hitch a bit, but this was more in a personal than a professional way. Of course, he was president during a portion of Al Bowker's tenure, but my contact was quite limited.

David Saxon was the first president I really got to know well. As I said before, David had been the executive vice chancellor at Los Angeles, and so he and I had been members of the vice chancellors group which met monthly. This group was quite active and ended up being useful in helping to solve a few systemwide problems, such as the integration of the libraries. David Saxon was an important person in that group.

Then, of course, when Al stepped down, David chose me to be chancellor after Vartan Gregorian withdrew his candidacy. So I worked with David and enjoyed the relationship a lot.

Nathan: Was there an allocation of responsibilities in which the president had certain authorities and the chancellors had different ones?

Heyman: Yes. Legally, the regents possess full authority. But of course they have delegated a good deal of responsibility and authority to the president who has re-delegated much of it to the chancellors. Strange to say, I never studied these delegations comprehensively. (What an admission for a lawyer!) But as a general matter, the president is in charge of access to the regents and plays a major role in relations with the governor and legislature and in all matters decided centrally. Thus, for instance, the president and his staff decide what budget will be submitted to Sacramento and, as I said, it's bad form for a chancellor to seek unapproved supplements. And similarly, it's not very good form to go around the president to the regents.

In addition, there are university activities of substance carried on centrally with direct reporting to the president's office. This is true, for instance, for the Department of Energy laboratories (including Lawrence Berkeley Lab), many agricultural activities, and a variety of outreach programs.

From a campus viewpoint, the major authorities that the president exercised related to the regents, the acquisition and allocation of budget, the choice of chancellors, and the undertaking of new university initiatives. Equally important are the policy positions

stated by the president--the direction he gives to the whole enterprise on educational and moral matters.

The chancellors, on the other hand, are the chief operating and executive officers for each of the campuses. With few exceptions, they oversee admissions, faculty appointment and advancement, allocation of state and private resources received by the campus, campus physical planning, relations with local government, fundraising, alumni affairs, intercollegiate athletics, and a host of other matters.

Nathan: When the chancellors got together, was there occasionally some sort of consensus and the choosing of a spokesperson to carry their message in discussions with the president?

Heyman: Rarely. The chancellors got together with the president, not by ourselves. The president set the agenda, although we could add topics.

In David Saxon's time, the chancellors were a very feisty group. We had lots of good arguments; David was in the middle of these. David Gardner, on the other hand, tended to sit back and listen, and make a determination after the discussion. He and David Saxon had very different styles. Of course, this was not the only interaction by a chancellor with the president. There were times when you met with the president and/or one of the two senior vice presidents without the other chancellors. These usually involved a plea for money, priority on the capital budget, or a specific campus problem where advice was particularly useful.

Actually, very rarely were there collisions. The major one of note that I recall involved People's Park. David Gardner was furious with me for entering into an agreement with the mayor, Loni Hancock, regarding cooperation between the campus and the city in the maintenance and policing of the park. The problem was lack of communication on my part. I had informed Vice President Brady who apparently had not passed on the message. David felt, with some justification, that I had acted unilaterally and he never was given forewarning that I in fact was going to do that. I put David in an awkward position with some regents who opposed any cooperation on the matter.

Nathan: When we get to the Smithsonian, there may be some interesting comparisons in governance?

Heyman: Yes.

You asked me about Ron Brady's role, because he was the senior vice president for administration. I think Ron Brady is one of the best problem-solvers I've ever known. He was ingenious in coming up with solutions for complex problems. On the other hand, I never had a sense of a person with a basic sense of moral principles. I could put it more strongly, but I won't. But as a technician, he was extraordinary. He was very inventive. For instance, I am told that he came up with the VERIP system. He did a number of things of that sort.

Nathan: I hope you'll say more about VERIP later.

Heyman: Yes. Of course, VERIP came after I was gone. Chang-Lin Tien had to deal with that, not me.

Nathan: You say that with a certain glee.

Heyman: Yes. [tape interruption]

Moving Student Affairs to the Academic Side

Nathan: Okay. Were you thinking of saying anything about student affairs?

Heyman: As I mentioned, one of the things that we did when I was vice chancellor was to negotiate the move of student affairs from the vice chancellor business and administration side, where it had been with Bob Kerley, over to the academic side. When I became chancellor, I appointed Mac Laetsch as the vice chancellor. As reconstituted, undergraduate affairs took over most of students services as well as special programs designed for lower division undergraduates. It played a very active role in affirmative action and in remedial and tutorial efforts. Mac did an especially good job with academic support services for intercollegiate athletics.

Nathan: What was the benefit of that move?

Heyman: From my perspective, it invited a closer relationship between the regular academic establishment and the educational programs carried out in undergraduate affairs. First, it seemed to me that faculty ought to get more involved in these matters. Second, there are many faculty members who are great at these activities, and I thought giving them a pathway to involvement was important.

After Mac Laetsch went to development, Russ Ellis took over undergraduate affairs. I knew Russ as a colleague in the College of Environmental Design. As you'll recall, part of my academic appointment was over there. Russ did a fine job which continued under Chang-Lin. Russ has only recently retired.

Blackhawk Issues

Nathan: The thinking is interesting. There is the question of Blackhawk: are you familiar with the houses at Blackhawk?

Heyman: Yes, I have to give you some background to understand the issue.

Blackhawk is an upscale land development near Alamo in Contra Costa County. Ken Behring developed it. He also wished to establish a museum housing vintage cars--his primary avocational interest at the time. He created a charitable trust for the benefit of UC Berkeley. The trust would build [a museum] and exhibit the cars with the capital and operating expenses contributed by Behring. The connection with UC assured tax-exempt status for the museum. UC would benefit as ultimate owners of the cars belonging to the museum.

Mac Laetsch was my appointee to the board of the trust and spent a bit of time at Blackhawk in that capacity. (Over time the Berkeley chancellor would appoint a majority of the board.)

Both Mac and Ron Wright bought houses at Blackhawk. It was suggested that they were getting special deals and that this was a conflict of interest. Ron's purchase occurred when he was leaving UC Berkeley and going to work for Behring. I don't know what his arrangement was. With Mac I looked into it with care and discovered that Mac had purchased as an investment at the market prices. I thus saw no problem then or now.

Rapid Transit and Campus Parking

Nathan: The questions of transit and parking: did you have to deal with these particular items?

Heyman: I really didn't deal much with transit and parking, other than to be a fan of bus, BART, and Humphrey Go-BART. That bus connection has turned out to be a real winner. I'm sorry we don't still use the original name. I did reduce the parking spaces a bit on the central campus by removing most of them at North Gate in conjunction with the new entranceway; in front of South Hall for aesthetic reasons (which did not go over well with faculty there); and in the circle at the entranceway to California Hall (for safety reasons). The only reason I got away with these was that I didn't have a parking space reserved for the chancellor.

Nathan: That was astute.

School for the Deaf and Blind

Heyman: We spoke about this briefly before. But I would like to elaborate. The transfer of the Deaf and Blind School property to UCB was under consideration for a long time, primarily because of the hostility of a group of neighbors who were outraged that the UC campus would move into their section of Berkeley--a typical NIMBY reaction. I don't know what evils they could sensibly expect, but the issue became entwined in local politics, and it was pretty clear that unless we could get an agreement with the city, we were never going to get the property. (The transfer required state approval.)

When I became chancellor, I said to the then mayor, Gus Newport, whom I previously had met through city and campus contacts: "Gus, look. Let's split the damn thing right down the middle. You take half, we take half, but let's solve this ridiculous stalemate." We indicated our willingness to consider senior citizen housing in designated areas on the site to be funded federally. This was the city's desired use, and we rapidly worked out a solution which located some senior housing on the south side, but gave Cal the lion's share of the campus. As part of the deal we also agreed to covenants that both prohibited new structures and severely limited any change in the buildings at the school for fifty years other than rehabilitation and maintenance.

We acquired the school soon after I became chancellor and its redevelopment was Ron Wright's first main building project. And it turned out to be a very extensive one with a big price tag. The cost involved in making it into a campus really astounded me. It was over \$20 million. First, we had to do seismic work on all those buildings (which was a prominent reason that the Blind and Deaf School moved). Second, we had to replace the water pipes, which had rusted during the seven years the site was officially unoccupied. Third, squatters had done extensive damage to a number of building interiors.

But looking back, acquiring the property and making it into a campus turned out to be a triumph. The housing provided there, and in the new Hillside housing on the other side of the campus, permitted us to house every freshman seeking university accommodations. Moreover, what we thereafter named the Clark Kerr campus permits consolidation of housing, food service, recreation, and associated student and academic services in a gracious setting.

Town and Gown Relationships

Nathan: Interesting relationships with the city that made this work out.

Heyman: Well, you know, and as I might have said before, I had done a lot with the city during the time I was a law professor and had been on a number of city commissions, the Charter Review Commission, for instance. And I had chaired the Welfare Commission. I knew a lot of people in city politics. I had a good reputation with the left, at least those to the right of very radical people.

For instance, my relations with Gus Newport were good, perhaps based substantially on my positive record in race relations. And I believe that I was credible to many on the left, certainly at the time I became chancellor, but thereafter too. That doesn't mean that everything went beautifully, but I think that there was more city-campus cooperation than there had been for some time. It helped to know people well, for instance in solving the Deaf and Blind School problem and other problems as we went along.

Nathan: You've spoken about that, of course, and People's Park. Were there other town and gown relationships that seem important?

Heyman: The two major points of friction involved physical structures (including planning for them) and money. These are understandable matters of disagreement--the university is not subject to local zoning and doesn't pay local taxes.

I would not make the university subject to these regimes. As a state agency it is devoted to state purposes, not local ones: I surely would not want local veto of development plans. But I would want to take into account local problems in making these plans, as state law mandates in any event. In addition, I sought to moderate fiscal problems caused by the university. Thus, for instance, we bought a new fire engine for the city, saving them a good deal of money. Secondly, we agreed to pay for city services (mainly police) for housing off campus for which we did not provide police services. These did not really

solve all the fiscal problems from the point of view of the mayor, but at least they ameliorated the situation and showed good faith on our part.

These kinds of arrangements have continued. For instance, John Cummins told me that we're paying \$160,000 to the city on a year-to-year basis to service People's Park. We continue to own it but they're in charge and we're paying them for the service. This could be a bargain if we don't have to do the basic police work.

New Centers, Laboratories, Institutes, Facilities

Nathan: Very interesting. Well, there are a few more things perhaps you'd like to talk about, specifically campus things. The Recreational Sports Facility. Were you involved in that?

Heyman: That was really Bob Kerley's baby. In fact, I believe that was entirely, or largely built during Al Bowker's time. Being on the academic side as the vice chancellor, I was interested, but not closely involved. Bob loved intercollegiate, as well as intramural, and individual athletics. So I didn't have much to do with them (other than as a spectator) except to admire his efforts.

Nathan: Nicely said. Can you talk about the School of Public Health and the beginning of the *Wellness Letter* and some of their other publications?

Heyman: You know, I was not in the loop until complaints were registered. If anybody at California Hall was involved, it was undoubtedly Doris Calloway, provost of the professional colleges and schools. I received some mail from people outraged who complained that the University of California at Berkeley was seemingly the sponsor of this commercial venture. I was not disturbed, given the newsletter, my understanding that public health faculty vetted its contents, and its resulting in needed revenue for the school.

[10B]

Nathan: One of the things you may have been involved with was the Plant Gene Expression Center.

Heyman: I was involved to some extent. The center is a joint activity of the U.S. Department of Agriculture and the College of Natural Resources. My participation was mainly helping to establish the relationship between the campus and the Department of Agriculture. We finally worked out a relationship that is much like that of Lawrence Berkeley Laboratory. Thus professors, Ph.D. students, and staff in the College of Natural Resources do a lot of their work there and there are joint appointments between the lab and the college.

I thought it a good deal. It provides a great deal of federal support for those in the college. Apparently, the arrangement disturbed UC Davis, where some thought it was like saying that pedestrian agriculture work is there, but the really intellectually path-breaking work is at Cal. That surely is not the real message. Location must have played

a dominant part. The Department of Agriculture facility is in Albany, not in Davis, Vallejo, or Sacramento.

The location of the Math Science Research Institute (MSRI) at Berkeley was largely the result of the efforts of Cal [Calvin] Moore, then chairman of our math department. He later went down to University Hall in academic affairs. The creation of MSRI by the National Science Foundation was quite controversial. Many opposed the creation of such centers, in lieu, it was expected of awarding grants to individual scholars.

There were many places where MSRI could have functioned. I thought that the Extension building on Fulton Street could have been fine, but Cal had his heart set on a new building up in the hills overlooking the bay. He won. It reminds me of a similar matter with the business school. We could have gotten University Hall for the business school. There was room enough in the building, but donors and the school's faculty just wouldn't agree. They had to have a new building by a prominent architect. Actually, I wanted to see if we could remodel Cowell Hospital for the school, but that too was vetoed. Thinking about MSRI and the business school reminds me how difficult it is to get folk to start a new activity in a renovated building when there are available extramural resources to construct anew.

Nathan: And did you feel that MSRI came together and functioned as it should?

Heyman: Oh, as far as I can tell, it has. It appears to be very successful and it's still in operation. It has benefited Berkeley a lot by being a locus for brilliant mathematicians from around the world.

Nathan: MSRI is right there above the Lawrence Hall of Science?

Heyman: It's just above the Lawrence Hall of Science, and just below the Space Sciences Institute.

Nathan: Are we running out of spaces for new buildings, do you think?

Heyman: It's a serious problem.

Nathan: The Center for the Humanities--this was a new thing to come along.

Heyman: Yes. You know that the Center for the Humanities and the Townsend Center are the same activity.

Nathan: Right.

Heyman: That came about in an interesting way. There was always a keen desire among a number of the humanists to have a center in which there could be interaction among people in literature, comparative literature, philosophy, and the arts. But we never had an appropriate physical location or the resources. The whole idea was pretty simple: a comfortable place in a nice setting, where people could meet and exchange thoughts and new theories, and where they could have help in getting outside grants.

Doreen Townsend, a graduate of Berkeley, had given some monies to us in the past. When we started the Keep the Promise campaign, we included a center for humanities.

Curt Simic talked Doreen into providing \$5 million in her will for this purpose and we agreed to name the center for her before she died, which was very unusual. Obviously, she could have changed her will. But as a matter of fact, she died relatively soon thereafter and left the campus \$7 million for the center.

I'm told that it has functioned exceedingly well in the manner intended. It gave a boost to the humanities' faculties who have felt relatively unappreciated as they contrast the support provided campus scientists. And but for Doreen Townsend, we would never have had the center.

Nathan: Right. And there was a National Writing Project?

Heyman: Well, you know that we started what became the Berkeley Writing Project, but my memory fails to recall the details.

Nathan: Was Jo [Josephine] Miles involved?

Heyman: It could have been Jo originally, but, I believe that it came out of the Subject A office. Wherever it started, the project brought teachers here in the summertime to learn together how to teach writing. The idea really caught on. I forgot how the federal government was induced to make a \$4 million grant, but it was essentially the federal government saying, "This is a really good thing, and let's do it." I don't know what's happened to it since.

Nathan: So in some ways, it balances what some people see as the Berkeley campus emphasis on science?

Heyman: Yes.

You know, there were a lot of things we were doing. But you're right, most of the things that we did in secondary and primary education had to do with mathematics and science. This is the only center I can think of that had to do with the other side, with humanities.

Clark Kerr Campus

Heyman: Well, we dedicated the Clark Kerr campus finally in 1985. That was a great event. I am so glad that we could name that for Clark. There wasn't anything here named for him other than the room in the Faculty Club. He had wanted the student union named for him, but it just never worked out. That was before I became chancellor.

This was a wonderful substitution. We conjured up the name "Clark Kerr campus" even though no one had ever called part of one of the university campuses a campus. David Gardner went along with it. He went to the regents with the item and they thought it was fine, which was interesting, because there were still regents around who had been there when, as Clark says, he was "fired with enthusiasm."

But it all came off very well. The timing was good, and I remember the ceremony. It really touched Clark.

Nathan: Well, it healed something in a very nice way?

Heyman: I think so, and it was wonderful for him. And it's a great name for that facility.

Nathan: It's a beautiful place anyway.

Heyman: Yes.

Animal Facilities and Accreditation

Nathan: How important is the Northwest Animal Facility?

Heyman: It's very important. It helped us to solve the animal care problems we had. These were pointed out vividly by animal rights critics and it finally became apparent that we couldn't meet accreditation standards without building a new building to house experimental animals. We got it funded in the legislature, amidst all the difficulty in getting anything in biology funded because of the activity of the animal rights group. Their actions were so frenetic, uncivilized, and extreme that they eventually lost their credibility in Sacramento. Also, we had some very good friends in the legislature, like Senator Al Alquist, who really sat on them.

The new facility was part of an overall program to gain needed accreditation. The balance of the program required bringing in new personnel in the campus veterinarian's office and reorganizing the structure by which we administered the care of laboratory animals. Until then, each individual faculty member who used animals, took responsibility for their care. He or she hired the people who directly cared for their health, housing, and feeding. Some did a great job, some less well, as you would imagine. So we had to centralize the system, which was very tough. The only thing that made it possible was that the faculty finally understood that otherwise we were going to lose our accreditation for the whole thing and eventually our ability to use animals for experimentation, as well as state funding for new biology buildings. It was a complex and difficult set of problems that took up an enormous amount of effort to solve. But we were successful.

More on Overhead Charges and the Opportunity Fund

Nathan: This is not particularly related to what we've been talking about, but the question of overhead charges does arise every so often. Is this a correct statement that I read somewhere: 50 percent to the state, 50 percent to the president's office for distribution?

Heyman: Well, sort of.

Nathan: It's a little rigid?

Heyman: Yes. That was the old formula, and then there was a new formula which I don't remember in all details, but generally we had to arrive at a new meeting of minds with the state. It consisted of first taking off the top the direct expenses for carrying out the supervision of research, for offices such as accounting and sponsored projects, and then splitting the remainder between the state and the system.

There are three major problems regarding overhead. The first is that you don't want the state to keep it all, and the state's view is, "Well, come on, guys. We pay all your bills, and you're getting a lot of this overhead to pay those bills, so why shouldn't that money be coming to us? We pay for the light, we pay for the heat, we pay for the library, et cetera. It's double-dipping for you to keep it."

On the other hand, if the state keeps it all, it minimizes incentive to do research. The State Department of Finance understands this. So a compromise of the sort indicated occurs.

The second problem is that the faculty wants the rate low, and the administration tends to want it set higher. Why does the faculty want it low? Because they believe that a low overhead rate makes their grant applications comparatively desirable in relation to those of faculty elsewhere with higher overheads. Moreover, they believe that a high overhead will result in less of the total grant directly supporting their research. These are debatable, but this is what most faculty believe.

The university, on the other hand, seeks a higher rate, because it results in discretionary money for general expenditure. You have to calculate it on the basis of cost, but it can be used for any purpose. It's the Opportunity Fund at the University of California. As I said before, it comes to the president's office, some stays there, and then the remainder is distributed to the campuses that generated it. The chancellor then has discretion for its expenditure.

The third issue is related to the second, which is, the people who generate the overhead want to get it all. If chemistry generates \$50,000, it views the total sum as its earnings. The chancellor, however, points out that some redistribution is wise for the whole community: support to activities including research that doesn't get extramural federal funding, but is desirable from a campus viewpoint. The issue is whether to redistribute some of the science money to other activities, such as research in the humanities and the social sciences, or remedial education.

Those are the three big issues.

Nathan: Is it your experience that there are some foundations that look askance at overhead charges?

Heyman: Yes. Most foundations don't want to pay any overhead. Their view is that they're in a partnership with the university, with both parties sharing costs. It happens that the university is giving the infrastructure, buildings, light, and heat, and the foundations are paying the actual direct costs of the research. But, as I said, foundations resist overhead. They don't see themselves as buying the research as does the federal government.

Usually, the foundations successfully resist payment of overhead. They simply refuse to make provision in their grants for its funding. So it's take it or leave it.

Nathan: Interesting.

Heyman: Yes, it is interesting.

Nathan: All those hands out.

Heyman: Right, you've got it.

Rescuing the Biosciences

Nathan: I see. Was the animal concern related to the bioscience reorganization?

Heyman: Yes, animal concerns were central to obtaining state funding for all the new undertakings in the biological sciences, and a new animal care facility turned out to be crucial. And without new facilities we could never have carried out the reorganization.

As I said before, in my view the two principal accomplishments during my term were achieving ethnic diversification of the undergraduate student body and turning around the biosciences, which had slipped badly in national ratings.

The new biosciences facilities were critical because they made it possible to reorganize the biology departments, some nineteen in number, by designing new facilities--especially laboratories--to bring together those doing like work and using like methodologies. In addition, the facilities allowed us to attract a number of first-rate young people who otherwise would have gone to other institutions, especially medical school faculties.

Eventually, there were a lot of evidences of success. One was garnering unprecedented outside support, for instance Hughes Professorships. The Hughes Foundation had previously never endowed chairs outside of medical schools, and this change benefited a number of our biologists. Further, we started to attract more first-rate graduate students than in preceding years. Finally, we regained very high ratings in the next decennial review.

So it's clear that restructuring biology worked in the way we hoped. And there was general agreement that if we hadn't proceeded as we did, Berkeley was going to be in real trouble. The biological sciences these days are the chemistry and the physics of yesterday, in terms of prestige. And campus prestige is an important factor in recruitment and retention across the university.

That was a great success story. There were many people who played prominent roles in this outcome. The two most important principals in my view were Dan Koshland and Rod Park. Dan Koshland, a senior biochemist with a great reputation, brought prestigious outside scientists to the campus who reviewed and who legitimated our plans.

He also headed the "advisory" group which had to approve all new appointments in any biology departments before reorganization occurred. His reputation and willingness to be centrally involved were crucial to garnering faculty consent.

Rod Park did many things, but I credit him chiefly as the ramrod who was intimately involved in getting the projects done. Rod, of course, was also an architect of the reorganization together with Dan.

Funding the Reorganization and "Keeping the Promise"

Heyman: My principal role was to decide to go ahead with the project even though I had no idea of how we could pay for it: state funding was not assured and it was clear we would have to raise appreciable sums privately. That was an act of chutzpa or ignorance, I'm not sure which. My plan was to go to the legislature, with the permission and support of systemwide, promise that we would raise matching funds for the facilities, and urge appropriations before the private funds were available. As it turned out, we began construction of some of the facilities before the private money was raised. In a sense, I hocked the discretionary cash flow of the campus in order to make progress and then went out to raise the necessary money.

Nathan: Could you give me an idea of what the size of this commitment was?

Heyman: It was a huge commitment, some \$50 to \$60 million. We had never raised this kind of money in a general campaign, and we didn't have any known fundraising capacity to do it in biology. Remember, in the seventies and eighties most generous donors were not interested in biology. Wally Haas, for instance, had his eyes on a new business school.

So we had to organize ourselves to finance the projects, and I was the person who took that responsibility.

Nathan: Was this part of Keeping the Promise?

Heyman: Oh, yes, this was the reason for Keeping the Promise. We needed to raise these enormous sums. We might have planned a campaign less rapidly without this pressing need. Once we began, it was clear that it had to be on a coordinated campuswide basis. Other units also had needs that had to be recognized and prospects and supporters who were impatient. Some were quite well organized already and a campuswide undertaking was necessary for coordination and to maximize the efforts of all the units.

The big problem in biological sciences was that departments and divisions had done little fundraising other than for research. Moreover, their influential alumni were mainly vice presidents for research in biology-related corporations, not people who had amassed much wealth. Moreover, there was a dearth of alumni records useful for fundraising.

But we had to get it done. Therefore the chancellor's office took charge of raising the funds necessary for biology and made this goal the priority for the campus. Thus the biology project was the catalyst for the Keeping the Promise campaign.

This whole effort was uncertain. My importance was saying we'd do it, taking the risks I noted, and being the responsible person for making it occur.

Nathan: That's a little scary.

Heyman: Yes, very. Especially because the last \$30 million for the biology campaign came in during the last year of my chancellorship. That was the \$15 million from the Getty family and \$15 million from the Valley Foundation. But in addition, we received gifts of \$15 million to build the business school and \$15 million for Soda Hall in engineering. All of these in within a four- or five-month period, in my last year as chancellor.

Nathan: What an extraordinary record.

Heyman: Yes. My big line with potential givers from 1984 on was "Keep the Promise--Keep the chancellor out of jail." [laughter] By the way, I haven't mentioned the efforts of the development office, first under Curt Simic and then under Mac Laetsch. Mac was very responsible in the gifts from both the Valley Foundation and the Soda Foundation. In addition, the Berkeley Foundation and the volunteer chairman of the campaign, Ted Saenger, were indispensable.

More on Affirmative Action, Berkeley

Nathan: Anything that you want to say on affirmative action now? I keep reading more about it.

Heyman: Well, perhaps I should enlarge on the Asian problem?

Nathan: It was alluded to. Was that the quota issue?

Heyman: Well, it was so described, but no quota in fact was involved. You will recall that under the old redirection program we were redirecting university-eligible underrepresented minorities (black and brown students) and seeking to enlarge numbers through special action admission. Well, that changed, as I described, but the numbers of applications and acceptances were quite small. (The competition from private universities and colleges was fierce for higher achieving minorities.)

To be competitive we decided to admit all eligible underrepresented minorities. This increased the take, but it was still relatively small, and white and Asian Americans were very little impacted.

Then federal financial aid policies changed, so a lot of youngsters, including underrepresented minorities, who would have gone to private colleges and universities couldn't afford them any more and sought UC admission. With our automatic policy for underrepresented minorities we got more black and brown youngsters than we had anticipated which meant we could take fewer others--both white and Asian American. Well, the Asians decided that we were discriminating against them. I said, "No, we're not discriminating against Asians any more than whites. We're just seeking to enlarge the number of eligible underrepresented minorities."

[11A]

Heyman: I thought we were upfront about what we were trying to do, but our actions were misinterpreted. The whole idea of such preference was rejected by the majority of Asian Americans. In addition, apparently a person of importance in the Office of Admissions had made some remark on the basis of which someone in that office concluded that we had a top number for Asians. We, in fact, did not, and a drop in Asian (and white) admissions that year was because more black and brown students applied and came under our policy of taking all such eligible applicants. (That process had to be adjusted thereafter in view of numbers, and it was.)

In any event, the Asian community brought pressure on us in a variety of ways. For instance, there were a number of state agency investigations. None concluded, however, that we had discriminated against Asians.

Finally, at a hearing in the California State Senate, I said, "Look. I am really very sorry that this has occurred," and I apologized to the Asian community. I made it clear that I apologized for not communicating appropriately with that community and assured them and other communities of complete openness in the future concerning admission processes.

The issue, of course, continued. The official Asian complaint thereafter wasn't that we were discriminating against Asians in relation to blacks and browns, but in relationship to whites. Critics found data showing that a somewhat higher proportion of white youngsters were being admitted than Asians. We responded that this was due to preferences being given for groups in which Asians were not well represented--the chief one being athletes, which included large numbers of white men and women. Talented Asian athletes, of course, were there too, but very small in number. We showed that if you looked at the portion of the class coming in solely on the basis of grades and SATs [Scholastic Aptitude Tests], Asians were well represented--actually to a greater extent than whites.

Well, all these things got intermixed, because while the leadership of the Asian community, represented by groups including Chinese for Affirmative Action, didn't want to attack special preference for blacks and browns, their communities didn't appear to buy this conclusion and remained strident voices against affirmative action thereafter. Of course, all of this was colored by historic anti-Asian racism in California which caused considerable skepticism among Asian Americans.

Nathan: Interesting. Well, let's see. I think you've already talked about animal rights protests, Keeping the Promise and the renaissance of biology. Would you be interested in saying anything else about these matters?

Endowed Chairs and "Fund for the Future"

Heyman: Let me add a bit about the capital campaign. Keeping the Promise mainly involved facilities. But there were other goals too. One that attracted a good deal of contributions

was endowed chairs. Any department, school or college could seek to raise money for endowed chairs. For instance, the School of Education came in with four, which were a surprise to the development office. Chairs raised during the campaign resulted in fulfilling my goal of raising 100 additional endowed chairs during my tenure. So this aspect was very successful.

A second goal was to raise endowment funds for use at the college, school and department level. We called this the Fund for the Future. It was fabulously successful; I think we raised over \$35 million. Much of this came from retiring faculty, like George Foster's gift to anthropology. I think Rod Park made up the phrase--Fund for the Future. It was a wonderful idea, because, together with endowed chairs, everyone on campus could participate in raising money even though their units had no specified new facilities identified in the campaign plan. Endowment money for either chairs or for departments. So that came in very well, and those were wonderfully successful.

Nathan: Did the campaign put UC Berkeley at a different fundraising level than it had been before?

Heyman: Absolutely. During the late eighties, for instance, we overtook UCLA (even with its medical school), and we were never behind thereafter. That's extraordinary to me, given our history. And then Chang-Lin Tien has been very successful and has brought in a lot of money, especially from Asia.

Nathan: So once the structure is there, you build on it?

Heyman: Well, it really is true. Once when I was trying to figure out how you raise serious money I consulted broadly. For instance, I spent two or three days at UCLA with Chuck Young who said, "You know, I want to leave UCLA with a real money-making machine." And that's what happened during the campaign. We created a structure, that incidentally nurtured expectations among alumni. (And we have an enormous number, many of whom have been materially successful.) The people who gave us money at the outset were those closest to us, such as the Haas family. But the campaign enlarged that group enormously. And the campaign also educated all of us on campus that we can raise considerable outside support if we put some effort into it.

Faculty Retirements, VERIP

Nathan: This has to do with the VERIP [Voluntary Early Retirement Incentive Program] retirements and hiring, retaining people of a certain level in the university, and the end of mandatory retirement. Do these pose some difficulties?

Heyman: Yes. But I didn't have to deal with them. Mandatory retirement was still in effect and VERIP hadn't started until I left for Washington.

They began talking about VERIPs when I was there, but it didn't go into effect until later.

Nathan: You didn't have to deal with the consequences?

Heyman: No, I didn't have to deal with the consequences at all. But as far as I can see, VERIP is working pretty well. A lot of the faculty who took VERIPs are still teaching some and doing research even though they are retired. Their names, efforts, and prestige are still related to their departments and new positions have been opened for younger people. So the faculty, certainly for research purposes, is larger than before.

That's why I said that Ron Brady was a genius. We have lost some good people, but it's not been a big drain. We've added a goodly number of assistant professors which has been renewing. And we could absorb budget cuts while avoiding absolute disaster.

Nathan: Let's see. You had taken a pretty strong position on the contract about the national atomic energy laboratories.

Heyman: Yes, as I talked about before.

Nathan: You let your views be known.

Heyman: Yes.

Nathan: And your outspokenness did not affect your career particularly.

Heyman: Well, only in the sense that I luckily didn't become president. [laughter]

Apartheid, Divestiture, Riots, Issues

Nathan: Well, this may take us, then, to divestiture and apartheid, and the systemwide issue. Someone mentioned that one concern you had was possible injury to students during demonstrations. Was this a particular concern?

Heyman: I hate riots. I hate that kind of loss of control. And of course, I worried about people's safety and buildings catching on fire. That set of events in April and May 1985 were the most upsetting of any that occurred while I was chancellor. I was in Kansas City the night of the initial riot and flew back early the next day. Dick Hafner and Ray Colvig in the Public Information Office briefed me and I almost immediately was interviewed by a number of TV channels. I took the position, undergirded by solid information, that the worst of the rioters were people from elsewhere than the campus. I also decided to bring in police from other campuses and neighboring jurisdictions to avoid a repetition the following night. You don't have riots when you have a lot of police. It's worth the investment.

Nathan: And this, of course, is separate from your own views on how you felt the university should be dealing with the apartheid government.

Heyman: Yes. Ironically, I thought we ought to divest holdings in corporations doing business in South Africa. Apartheid deeply affected a major group in the United States. Divestment not only affected the future of apartheid, but signaled solidarity with those folk. I thought this very worthwhile and hardly setting precedent for responding to other like demands.

My reasoning was a lot like that the governor later used to justify his position in favor of divestiture. Yes, I thought we should have divested, and I said so publicly somewhat later that spring, for which one of the regents really gave me hell privately.

Nathan: It does bring up an interesting point about the political, partisan identification of a chancellor. Did you have any views on whether it was appropriate or not appropriate to be identified with a particular party?

Heyman: I don't think partisan identification is useful, but taking positions on important issues is appropriate. But I gather this is questionable these days. You know, in the really old days, presidents of universities spoke out about a lot of matters. That isn't the style any more and this has elicited interesting commentary in the *Chronicle of Higher Education* and elsewhere. But I didn't do too much of it, basically only in relation to matters deeply affecting Berkeley. And I didn't see any reason to be quiet about university-related issues because a few or a majority of regents had a different viewpoint.

Nathan: The defense of the shantytown construction was part of the excitement?

Heyman: Well, it might have been part of the excitement, but I am opposed to violence and threat of violence as a means of protest. Civil disobedience is justifiable on matters of important principle, but it should be "civil," not physically threatening.

Another event that was frightening occurred when the regents met at the Lawrence Hall of Science following the shantytown riot. Some 8,000 to 10,000 protestors came to the site from around the university. It was touch and go whether we could get the regents, including the governor, out at the conclusion of the meeting. But we did it without violence. First, the governor left by helicopter on the secured side of the building. Then finally we got the regents out when the Oakland motorcycle patrol came to the hall, which by the way, is in Oakland. The patrol were dressed like Darth Vader, and people got out of their way. The meeting was in May, so it was sort of spring jinx. Most of the demonstrators came from other campuses and turned out to be civil. But who knew that was to be. The situation was very worrisome and I felt like a commanding general with my troops outside and me running in and out of the meeting to see what was going on.

Nathan: What an experience. You felt it got resolved at a reasonable level?

Heyman: Well, you know, [Governor George] Deukmejian cut the ground out from under David Gardner and a majority of the regents, at the July meeting of the regents at Santa Cruz, by instructing the regents he appointed to vote to divest. That was the end of the whole thing. The governor explained, "If your friends are asking for your help, you give them your help." He also made some allusions to Turkey and Armenia in his explanation and he voiced his deep feelings on the issue.

Intercollegiate Athletics, NCAA Speech

Nathan: Well, it's fascinating.

Then we get to intercollegiate athletics, Dave Maggard's difficulty, and the hiring and firing of coaches. Were you dealing personally with the athletic issues?

Heyman: Bob Kerley, and then Mac Laetsch, were the administrators to whom David reported. I tried to stay some distance from hiring and firing decisions. Although David talked to me about them on occasion. We talked about Joe Kapp, for instance, but David decided. From time to time I was heavily involved, for instance in convincing David not to go to the University of Virginia, where he was being courted as athletic director. I am very fond of David Maggard although I believe his attitude towards me was equivocal.

Nathan: Is that a specially sensitive area for alumni?

Heyman: It is a very sensitive area for some alumni. Glenn Dickey, who is a sports columnist in the *San Francisco Chronicle*, blamed me repeatedly for deemphasizing intercollegiate athletics, and this bred disdain among some alumni who were not happy with our performance in football and men's basketball. Actually, I ended up somewhat that way, but they concluded that I had an Ivy League attitude. I tried to be as supportive as possible within the NCAA rules. I supported the upgrading of academic support services for athletes and raising money for improved facilities.

Many have complained about overemphasis of college sports. The presidents of the institutions in the NCAA in response to recruiting scandals, low graduation rates, and expenses formed the Presidents' Commission to deal with these problems. I was the representative from the Pac-10 and largely carried the argument for rules requiring minimum GPAs and SAT scores to be eligible for competition in freshman year. Ironically, I then became the chairman of the committee of the Presidents' Commission involved with Division 1A--the division made up of the larger and highly competitive sports programs.

In 1985, at the NCAA convention in Dallas, the commission sponsored a program devoted to how to deal with abuses in college sports. Pat Hayashi and I worked energetically on the text. My enthusiasm for reform perhaps dominated my words more emphatically than I intended.

The substance of the speech was an attack on overemphasis of athletics to the detriment of the "student" part of being a "student athlete." I stressed how dominant had become winning, the expenses that had to be incurred to do this, the temptations to cheat in recruitment, and that it was time to put limits on the level of activities and expectations.

While I thought that intercollegiate athletics had value, they had become professionalized and the quest for money to run programs was ruining us all. I suggested that we start deemphasis with a simple gesture--red-shirting all freshmen in football and basketball, thus not letting them play varsity games until they were sophomores. I pointed out that in Division 1A most athletes took at least five years to graduate (if they graduated at all) so why not let their first priority in freshman year be academics. Let them practice with their teams, but take away the pressures of having to play.

That afternoon the Pac-10 and Big-10 presidents met in Dallas and we tentatively agreed on that plan. But most of them backed off when they went back to the campus and talked

to their athletic directors. That's when I decided I had no career in reforming intercollegiate athletics and I left it to others.

State Bond Issues and Appropriations

Nathan: I see. Well, picking out a legislative event, because the legislature does have a strong consequence for the university, do you want to comment on this proposition put on the ballot in November '86, the Higher Education Facilities Bond Act? UCB got \$12.3 million?

Heyman: That was all orchestrated through the president's office, and I can't remember how it affected Berkeley. The state's share for the new biology projects was taken care of by separate legislation, if I remember correctly.

Nathan: There were some Nobel Prize winners at Berkeley?

Heyman: The Nobel Prizes. Well, we got three while I was chancellor. Czeslaw Milosz, in Literature, Gerard Debreu in Economics, and Yuan Lee in Chemistry. These were very important to us. Nobel Prizes are a convenient symbol of academic excellence and we relied on them in the capital campaign.

American Cultures Breadth Requirement

[Interview 7: February 24, 1997] ## [12A]

Nathan: How about the American cultures breadth requirement, and how that came about?

Heyman: You know, I wish I remembered more in detail. But I'll give it a try. Starting in 1986 or so, a coalition primarily of black and La Raza students adamantly lobbied for an ethnic studies graduation requirement. This was essentially a faculty decision, not an administrative one, under authorities delegated by the regents to the faculty.

There was considerable opposition to an ethnic studies requirement for many reasons. One was that some folks thought it simply a way to ensure a large enough enrollment in ethnic studies courses to justify regularization and more faculty. Others felt that such courses were too narrow to justify requiring them of all undergraduates.

And then, the faculty committee working on the issue came up with what both Rod Park and I thought was a brilliant idea. This was an American cultures requirement, in which the instructor would look at the subject matter being taught from the perspective of at least three different cultures reflected in the United States. The basic subject could be music, political science, history, or anything else, so long as it was amenable to facts and interpretations from different cultural perspectives. This meant essentially courses in the

social sciences and the humanities and related professional fields. Also included in the plan was a board that would determine whether the proffered curricula fit the criteria.

Another feature was the creation of a center where interested faculty could interact (perhaps over the summer) and work on relevant curriculum. Thus was born the American cultures requirement. This requirement was being implemented at the time when I was ending my time as chancellor, so I never saw the results close at hand.

Nathan: And this, of course, would cover people of all different cultures.

Heyman: That's right, including European immigrants to the United States. Studying many viewpoints coming together in America is a fascinating idea. We can study similarities as well as dissimilarities, a rarely used way of looking at ethnic relations.

Nathan: It's all pretty remarkable.

Heyman: I thought it was a success story.

Nathan: This was 1989?

Heyman: That's when the requirement was adopted, but it came into effect later.

A guiding intellectual light was an anthropologist, William Simmons. He became the first head of the center. He formerly had been vice chair of the anthropology department. His presence was assuring to many faculty doubters.

Nathan: It sounds so natural now as you describe it.

Heyman: I know. However, it was fraught with politics, as you might imagine, and lots of demands. I thought that the more militant students played it quite intelligently. Instead of turning this into a great political conflict, they were willing to discuss the proposal endlessly on its own merits. The head of the Academic Senate the year prior, Ed Epstein, played a major role in convincing them that civil process was workable.

Nathan: Remarkable. Good, if you think of more later, just come on out with it and that will be fine.

Heyman: I will.

Long-Range Development Plan

Nathan: Perhaps the Long-Range Development Plan would be a good thing for us to talk about. Did that relate in any way to your being a professor of city and regional planning?

Heyman: Not particularly, although my planning knowledge was helpful. The specific reason that we prepared a long-range development plan was because the systemwide administration

required it as necessary adequately to explore alternatives to a tenth campus. Each existing campus did a new long-range development plan for this purpose.

It also was a sensible undertaking for us for two reasons. First, we were back on track with adding buildings to the campus for biology, chemistry, and business. Second, we were contemplating off-campus dormitories. Development of the Kerr campus was in the works, and we were on the brink of planning the new dormitories on the northeast corner of the campus.

There was a lot of potential development, and it therefore made sense to see how all these related to each other; to see what kinds of problems could be caused by their realization and how these could be ameliorated.

Moreover, the California Environmental Quality Act required environmental impact analyses for all of these possible buildings and especially those occupying space of what historically was viewed by the community as the campus.

Producing the plan was a long-drawn-out process. Two of the important actors, other than the consultants, were Dorothy Walker and Bill Liscomb. I probably played a larger role than was usual for a chancellor because of my professional knowledge in both planning and law.

As might be expected, considerable dispute arose regarding portions of the plan. Most of those got worked out in the planning process. A lively dispute involved what to do with People's Park. As I stated before, Loni Hancock and I came to an agreement which the regents and the city council affirmed, but at least for a number of regents, without much enthusiasm. They wanted us to develop the park with housing--in other words, to take it back. I had concluded the contrary given the city's desire and the probability of repeating the events that occurred when this first was tried during the Heyns administration. So I agreed to continue a shared jurisdiction at People's Park with part a park and part devoted to student athletic uses, with assumption of administrative and policing responsibilities by the city with the university sharing the costs.

One later outcome of the plan involved the northside housing which was opposed by neighbors. I remember when Loni Hancock and Tom Bates lay down in the street in front of the bulldozers that were clearing the site. Fortunately, they got up in time. Of course, every time change is to occur, there are unhappy people. This was a recapitulation of the battle we had with neighbors across the street from the School for the Deaf and Blind when we were in the process of making that into a campus. (As far as I know, the fears of the neighbors at both sites have been unrealized.)

But in any event, after performing all kinds of analyses we ended up with what proved to be an acceptable land development plan. No one was seeking to litigate its validity. This project became the spine directing all the development that occurred during my time and Chancellor Tien's.

Campus-City Conflict: Property Taxes

Nathan: Right. So after the town and gown conflict got contained, it worked out?

Heyman: Well, it did. The two major ongoing issues involved were People's Park (which we temporarily "solved") and the university's freedom from property taxes.

I talked about the tax issue before. We did try to address aspects, for instance, we made a gift of a new fire engine--a symbolic recognition that the city provided basic fire services to the campus. In addition, we paid "in lieu" fees for city-provided police and other protective services to off-campus housing--services that normally would be handled by campus police.

Nathan: I see. Was this the time when some housing was prepared for university-related people down by the old Co-op building [on Addison Street]?

Heyman: That was one, but then there was another housing unit that was to be built on Shattuck.

I was always sympathetic to Berkeley's case. The problem, of course, is that as far as the whole university is concerned, such a precedent would be harmful. Eight other jurisdictions would demand the same treatment. I argued that Berkeley was a special case, because the campus was such a dominant use in this city. It was not like UCLA, which even though large, was tiny in relationship to the tax base of Los Angeles. But I understood that we couldn't push vulnerability to local taxes through the systemwide administration, which I think correctly concluded that we ought not to start in any one of the UC jurisdictions to pay taxes or other required fees.

Nathan: I see. So your sense is that the in-lieu payments helped?

Heyman: Well, these were just minor ones. There was governmental precedent for major in-lieu payments. The federal government used to pay in-lieu sums for community services and schools in places where there was a big federal impact, because of a military base or some other similar use. The issue has been whether the university would seek state funding for this purpose.

Nathan: Very interesting. These things often are such passionate issues.

Heyman: Well, you know, in large part, if the state government paid in-lieu fees, that would be one thing. But I don't think anybody ever saw that there was going to be an addition to the university budget for these purposes, so it was simply going to come out of the university's hide. And so understandably, but perhaps selfishly, we concluded that we ought not do much about it.

The counter-argument about all this is that if you calculate the sales tax, for instance, that Berkeley collects because of the monies that are expended by students and others associated with the campus, it's a substantial amount. So maybe this balances off in a rough way.

Smelser Report

Nathan: Was there anything that you might like to respond to concerning the Smelser Lower Division Education Report or the Elberg Report of the Committee on Academic Planning, which was for Berkeley?

Heyman: Well, let me take the Smelser report first. I thought it was sound and well reflected Neil's ongoing views on lower division education at the university.

The report gently, but pointedly, chided the university for three major failings at lower division. First, it was a neglected child--too few resources were devoted to it both in terms of regular faculty participation and steps to assure top-notch, well-trained, well-supported and respected temporary faculty.

Second, the curriculum was deficient--especially too few integrative and synthetic courses. I discussed this before when I said that the lower division curriculum at the time made little sense when you looked across it. From a freshman's point of view, it's difficult to see how the courses offered relate to one another and how the combination relates to the world.

In addition, on this point, too little attention was being paid to a proper balance between liberal arts and vocational curriculum and more attention should be given to enhance international, multicultural, and global learning.

Third, few campuses have an adequate number of sections in the thirty-five or so lower division courses most sought after by students, many of which are required for graduation or are prerequisites for majors. Moreover, there is inadequate attention paid to creating an agreed upon general education core satisfactory for transfer among the campus and from community colleges. The report makes other points, but these were most important to me.

The report recommended a number of reforms and I thought these were stated well. One was to produce seminars for freshmen and sophomores. Berkeley did some of this and other campuses too. The effort was enhanced by VERIP. Many of the faculty who took early retirement stayed at their respective campuses and became a great reservoir for doing freshman seminars.

Other leads were also followed. The American cultures requirement at Berkeley addressed insularity in part; all campuses took steps to elevate the training of teaching assistants; and teaching evaluations by students and peers became more widespread. But, in my view, lower division is still a neglected child and my efforts in its behalf were not particularly successful.

Faculty-Student Ratio

Nathan: And what would you say is the major reason why more sections of the most-wanted courses could not be offered?

Heyman: When it comes right down to it, it's the faculty-student ratio. When you have a 17- or 18-to-1 ratio, and so much of the heart of the university is in graduate education and in research, it is difficult to induce large numbers of regular faculty to concentrate on lower division courses, which are very difficult to teach well. One has to be a charismatic lecturer to huge numbers and a superb administrator of multiple discussion sections and teaching assistants.

Nathan: Are the rewards less for a professor doing that?

Heyman: Yes, or at least they have been. The university has tried altering the reward structure so that undergraduate teaching counts more than it did before. I'd make a guess, and again I can't talk authoritatively, that our efforts probably now require faculty to teach more and better. It's been largely a negative pressure. Failure to perform well is more an obstacle regarding tenure and advancement than before.

Nathan: Well, it's apparently been haunting everybody for a while.

Elberg Report

Heyman: Now, on Sandy's [Elberg] report on academic planning for Berkeley. A good portion was devoted to numbers--enrollments, retirements, a variety of performance statistics and the like. These were baseline data typically produced by planning offices and, while useful not particularly interesting to me. Two portions I remember best. The first involved the predicted impact of undergraduate affirmative action on quality of undergraduate students which both failed to take into account data showing constant improvement and the responsibilities of Berkeley towards educating a diverse student body. I was disappointed with its inadequacies and its narrowness.

The other portion set forth a very provocative idea: to merge the professional schools into the College of Letters and Science and to create four provostial jurisdictions. I thought this was an interesting idea, but couldn't imagine how it would work, given the history of the organizational structure of the university. Of course, merger might be too strong a word. Perhaps the outcome might simply be one of reporting lines, for instance the Division of Social Sciences in L&S reporting through a dean to a provost to whom such professional schools as law, public policy, and social welfare also report. Even this, however, would involve major reformulations that would be seriously resisted--loss of the College of Letters and Science and erosion of professional school independence, to name just two.

Nevertheless, raising the issues and setting forth some template are valuable exercises because they highlight the shortcomings of insularity, especially in the contemporary

academic world that is producing fewer people of breadth and generalization and more narrower specialists.

The two major initiatives towards reorganization that occurred during my chancellorship were in the biological sciences, which I've discussed, and in international and area studies.

[12B]

Heyman: Berkeley had a number of centers, institutes, and programs devoted to aspects of international and area studies. A number were organized research units, for instance the Institute of East Asian Studies, some were academic programs, for instance the major in political economy of industrializing societies within L&S, and others were programs within a variety of professional schools.

I asked Professor Olly Wilson, with whom I had previously worked, to plan a reorganization that would bring these units into closer organizational proximity--perhaps under a new dean of international and area studies reporting to the central administration. Olly, working quite closely with the senate, was successful. The upshot was a new unit now headed by Dean Dick Buxbaum, which has been an active force in bringing new research dollars to the campus in the international field and giving coordinated leadership to a number of academic programs.

Nathan: Were the units afraid of losing autonomy?

Heyman: Sure. Berkeley is just like a lot of other places--the Smithsonian is a marvelous example--a place of territories and turfs, separate accounts, and a variety of arrangements that sustain considerable autonomy. So bringing units together is very tough. It was no easy task to do this in the biological sciences or the international field. Nor is it easy in creating a new integrating unit like the Energy and Resources Group of which I have spoken.

Building the Haas School of Business

Nathan: Let's see. Perhaps you would like to say more about building the business administration complex. I gather that the complex was not a part of your overall funding program.

Heyman: The business school certainly was complex. Budd Cheit believed it crucial to have a dedicated building and to get out of Barrows Hall. So did the faculty. Wally Haas was very interested to have a new building to be named for his father. An informal campaign began within the business school community. This was before 1985, while development efforts were very decentralized. It predated the Keep the Promise campaign. The building schematics were done during my time and some money was raised. But most of the money, and construction, proceeded during Tien's term. It was the usual kind of progression.

The new building required both the destruction of Cowell Hospital and the building of a new student health center. I had hoped to avoid this and made two unsuccessful proposals

to the school. The first was to use the Cowell Hospital building as a base with some additions and internal remodeling. The second was to take over University Hall on Oxford which the president's office was vacating. But I couldn't sell the school on either of these. In any event, the resulting building is excellent and it's fortunate that I was unsuccessful.

Nathan: It's really incredible.

Heyman: Yes, it really is. I give Fred Balderston a lot of credit for the outcome. He was wiser than I, but that's not unusual.

Return to the Semester System

Nathan: Right. Any comments on the semester system?

Heyman: Well, I was a strong supporter of returning to the semester system. I told my colleagues that as the law school was the only entity on the campus that stayed on a semester calendar it was time to bring everyone in line. [laughs] Actually, some personal experiences were relevant. I had been teaching on the two systems--at the law school on semester and on the quarter system in the city and regional planning department where I was always in a rush and felt that it was very difficult to get to the heart of complex subjects. I thus strongly favored the semester calendar. Most faculty who had been at Berkeley before the conversion agreed and hence the votes were there. Such was not the case at UCLA and Davis, in later votes. Probably there were fewer long-timers in those elections.

Nathan: Now, these are Academic Senate votes?

Heyman: Yes. Well, we voted to switch, and David Saxon, bless his soul, didn't require that the whole university be on the same calendar, so permitted us to have campus choice. I'm not sure what David Gardner would have done in the same situation.

Nathan: This comes to pretty much the end of your chancellor's days. I do not doubt that there are other important points to discuss.

Heyman: I'm sure there are many other things, perhaps we'll return later.

From Chancellor's Office to Law School

Nathan: Well, on page 13, if you have that, you are determined to retire as chancellor and return to Berkeley law school teaching. Were there any interesting considerations that made you decide ten years is it as chancellor?

Heyman: Oh, I was getting very tired. Chancellor at Berkeley is a tough job, especially given periodic student unrest, at least during the time that I was a faculty member and

chancellor. I also was becoming less patient, and patience is a necessary quality in running a large academic enterprise. Moreover, ten years is a long time.

Of some relevance were more pronounced attitudes of faculty opposition to affirmative action. There were some angry faculty, but little of the expressed animosity seemed personal. I believe that my relationship with faculty continued to be positive. Nevertheless, tension about undergraduate affirmative action increased from the regents' level down.

Nathan: Oh, faculty were opposed to it?

Heyman: Of course there was opposition among some faculty. A secret ballot vote might have been closer than I would have liked. That's my guess. I'm not absolutely sure, but I think that negative votes might have been in the 25 to 35 percent range, not an insubstantial amount. And there were a few very outspoken critics. One was a law school colleague, Stephen Barnett, who sought to cross-examine me quite hostilely on the processes attending the setting and implementation of campus affirmative action goals. I remember this vividly, but its importance was probably magnified given my general weariness.

In any event, at the end of nine years, it was clear to me that ten years would be sufficient, so I decided to give notice. I finished on June 30, 1990, and then took a year sabbatical, which I devoted to chairing a regional planning effort, catching up on my academic fields, and helping to care for my older son Stephen who was diagnosed with AIDS. I spent a lot of time with Stephen over a two and one-half year period until he died. That was a very compelling and gripping period. In the fall of 1991 I started teaching a full schedule in the law school and city planning and found that very hard work, but enjoyable. It had been a long time between teaching stints.

Nathan: I see you were named Selvin Professor.

Heyman: Well, we have many endowed chairs at the law school. They gave me one and I was appreciative. I concluded during those first two years that I could teach perfectly well, but that I never was going to be able to do cutting-edge research in the fields that I dealt with sixteen years previously.

Nathan: A lot of changes?

Heyman: Yes. I could comprehend them perfectly well, but it would be very difficult for me to marshal new insights in relation to those of the scholars who had been working in the interim. It would be much easier to focus on practice and not theory. I doubted that I could do research comparable to sixteen years before.

Nathan: Yes, I remembered some, IGS [Institute of Governmental Studies] published a monograph of yours on land use.

Heyman: Yes, right.

Nathan: It was wonderful, really exciting.

Heyman: Yes. Well, in any event [laughs]--.

X. U.S. DEPARTMENT OF THE INTERIOR, 1993-1994

Heyman: And then along came the Democrats in 1992 with [William Jefferson] Clinton getting elected. I decided that I wanted to get away from Berkeley for a while, in major part because of Stephen's death, and my Democratic credentials made me a possible candidate for an interesting position. I had been a legislative assistant and a law clerk, so I decided to try for the executive branch, more specifically the Department of Interior, because of my interests in conservation and public lands. In the sixties and seventies I had co-authored a book on land planning systems used by the National Park Service, the Bureau of Land Management and the Forest Service.

Deputy Assistant Secretary for Policy

Nathan: And had you known [Bruce] Babbitt before?

Heyman: No. I wrote him a letter, and I got [Senator] Dianne Feinstein and [Congressman] Norm Mineta to write on my behalf. Their communications undoubtedly focused his attention and it worked out.

Nathan: You make it sound very easy.

Heyman: Well, it was, but largely because Babbitt saw special value in two Heyman attributes. First, Babbitt wanted someone in the department who knew something about city, regional and county planning. He foresaw, properly, that as the Fish and Wildlife Service began to enforce the Endangered Species Act in populated places there had to be an interaction between their biologists and conventional city and county planners. At the time, no one in the Department of Interior knew much of anything about city planning, and I did. So that was helpful.

Second, Interior was in the midst of assuming responsibility for negotiations with the Territory of Guam which was demanding commonwealth status. I knew Pacific peoples to an extent given my work on Samoa and Kauai. Moreover, my gray hair and chancellorial title fitted well the role of respected negotiator. So I was an attractive

person for him, once he got to read the letter with the vita. But we hadn't met. But, he called me up, I went to Washington for a visit, we had lunch, and he offered me the job.

Nathan: Did you find that your outlooks were similar?

Heyman: Oh, yes. While Babbitt is not a person who becomes personally close to others, as far as I could see, his genius lay in his comprehension of resource problems, his political wisdom, and his conservation values. I worked on a lot of areas in the department and it turned out that our views were very similar. So I could be helpful to him.

Nathan: Let's see. So you went there in '92, right, for two years?

Heyman: No, in '93. '90-'91 I was on leave, '91-'92 and '92-'93 I taught, and it was in late May of '93, I went there with a whole set of blue books to grade from my spring term classes.

Nathan: Right. So you were there about a year?

Heyman: I was there a little more than a year. Therese became a visiting curator at the Smithsonian, in the National Museum of American Art, during the time I was in the Interior.

Nathan: How was it to live in Washington?

Heyman: Well, it's okay. It wasn't our first experience; it was the third time we had lived there. The first was in '50-'51, just after we were married, and the second time was when I was a law clerk for Earl Warren. The time spreads were considerable.

Washington is an interesting place to live. Luckily, there are a number of people there with whom we went to college and law school. The city is insular, but the topical matters are important and absorbing. It is fascinating, however, how little attention important Washingtonians pay to attitudes elsewhere in the country. I suppose that it is no different in this regard than New York or Los Angeles. Strikingly, despite a large black middle class, the city and the metropolitan area are quite segregated. We had a nice place to live, and we were quite busy. We both missed California a lot. We came back as often as possible.

Endangered Species

Nathan: Right. I've been doing a little clipping on some of your Interior activities and problems. Were there any of these ongoing issues that especially interested you?

Heyman: Well, a major one involved endangered species. A number of us concluded that the best way to provide for species preservation was to focus on habitat and not operate species by species. Identify habitat (land areas) that are rich and support multiple species, and conserve them by all means possible--purchase, regulation, dedication, and the like. This is much more efficient than proceeding individual species by individual species.

Concentrating on habitat preservation fits well with land use planning regimes. I worked quite a bit with endangered species matters in southern California and helped to bring together Fish and Wildlife biologists, local county planners, and land developers orienting most of the discussions and actions around habit conservation planning. I worked with a talented young lawyer, Marc Ebbin, who took over responsibility when I left Interior.

Hawaiian Homelands Legislation

Nathan: Some issues: endangered species we've spoken about. Commonwealth status for Guam. Hawaiian sovereignty, is that of interest to you?

Heyman: Yes. I'm interested and was involved in aspects, especially conflicts regarding the Hawaiian Homelands legislation. In the twenties, Congress set aside lands in Hawaii for homesteading by native Hawaiians. There was perennial conflict about whether the United States honored that commitment.

Nathan: These weren't like reservations?

Heyman: No, they're not like reservations. They consisted of federally-owned land interspersed with privately-owned land. The idea was to assure an economic stake for Hawaiians--at least in the farming sector. There were technical problems with the act and arguably various government agencies--primarily the U.S. Navy--occupied and used lands that had been reserved.

In the late eighties the State of Hawaii interceded on behalf of the Hawaiian people. The state sought a declaration that the United States had acted improperly and wanted appropriate compensation for Hawaiian natives. By statute, the Department of Interior was responsible for processing the complaint and I was asked to function as a kind of administrative judge for that purpose. In the end, however, the department's decision was only advisory. Only Congress could order compensation.

I held hearings, received evidence and briefs, and wrote a long opinion largely sustaining the state's complaint. I suggested that compensation consist of transferring lands on military bases in Hawaii that were to be closed thereafter to the agency administering the Hawaiian Homelands. Daniel Akaka, one of the senators from Hawaii, submitted a bill to this effect which became law. I enjoyed this personal excursion into adjudication.

Presidio Transfer to the Park Service

Nathan: Good. The transfer of the San Francisco Presidio to the National Park Service?

Heyman: Oh, I did quite a bit of work on that also.

In the early nineties I served on the Presidio Council, a foundation-sponsored private group that worked with the Park Service to develop a plan for the Presidio if and when it was turned over by the army to the Park Service. Congressman Phil Burton in the seventies presciently had put a provision in the act creating the Golden Gate National Recreation Area providing that the Presidio would become a national park if it was no longer used for military purposes.

I learned a lot about the Presidio from service on the council and obviously I brought those interests with me. (The Park Service, of course, is within that department.) I arrived in the midst of political jousting and I did some work on bills that eventually led to the creation of the Presidio Trust. More colorfully I represented Interior in negotiations with the army when it appeared that Sixth Army headquarters would share the Presidio with the Park Service. That, of course, didn't work out.

A basic problem at the Presidio is cost of operations and rehabilitation given the large numbers of historic buildings on the site. The Presidio Council foresaw rental revenues to offset expenses with the army as a prime tenant. Congress eventually went even further and in the act setting up the trust requires financial self-sustainability by 2013.

Congress rejected vesting all the authority in the Park Service. Rather, it created the trust as a separate federal corporation responsible for 80 percent of the Presidio--the area containing nearly all of the structures. The balance is mainly open space along the shorelines which remains with the Park Service. The act also freed the trust from a variety of federal requirements concerning procurement, employment, and the like to allow it to act more like a private corporation.

It will be interesting to see how well the Presidio Trust does in balancing park and development values.

Nathan: This will be a controlled development?

Heyman: Well, I don't think much new will be built. I think most of the attention will be focused on existing buildings to be renovated and remodeled internally.

Nathan: Interesting. Did you have occasion to work with Congresswoman Nancy Pelosi?

Heyman: Yes, she was the legislator most involved in the creation of the trust. The senators had a bit to do with it, but Pelosi was the major mover.

Nathan: Well, is this sort of a hopeful thing?

Heyman: I hope something wonderful comes of this, because the Presidio is an extraordinary piece of land.

Hazardous Materials on Public Lands

Nathan: Was there some question concerning disposing of hazardous materials found on federal lands?

Heyman: I had two jobs at Interior: one was counselor to Babbitt, the other was deputy assistant secretary for policy. The latter, for reasons I never understood, involved not only policy analysis but also responsibility for the administrative hearing system in the Department of Interior and responsibility for hazardous materials on the public lands. Obviously there were civil service heads of the relevant organizations, but I was the one who testified regarding these matters and had obligations to make sure that the department acted properly in these spheres.

You can see that I was kept quite busy, but I enjoyed being so thoroughly involved.

Nathan: And it all evolves? That is, you never really resolve--

Heyman: You never resolve anything. You just push things along.

Nathan: To the next person?

Heyman: Until something happens. And yes, I wasn't there long enough to resolve very much.

Nathan: You had your hand in.

Heyman: Yes, I had my hand in a lot of things.

[13A]

Nathan: Were you interested in the comprehensive reform of the mining law?

Heyman: No, I was not involved with that at all; I just watched it develop. Similarly, I was not involved in the grazing controversies. Other people were working on those matters.



Former chancellors and president at I. Michael Heyman's inauguration as chancellor, April 9, 1981
Left to right: Clark Kerr, Glenn Seaborg, Edward Strong, President David Saxon, Roger Heyns,
Albert Bowker, I. Michael Heyman



Chancellor I. Michael Heyman and Theres Heyman, University House, 1985



Therese and Mike Heyman, Yosemite, 1987

XI. BAY VISION 2020 AND REGIONAL LAND-USE PLANNING

Working with Joe Bodovitz

Heyman: By the way, you asked me about Joe Bodovitz. I first worked with Joe when he was executive director of the Bay Conservation and Development Commission [BCDC]. That was our first encounter and happened in the early sixties. And then we worked together again briefly on the California Coastal Commission before I became the vice chancellor and gave up consulting roles. Then, much later, we worked together quite closely on Bay Vision 2020.

Nathan: I would like to ask you a little more about that.

Heyman: Sure. Joe and I have been good friends. I like and respect him. He's very effective.

Nathan: Was he the executive for Bay Vision 2020?

Heyman: Yes, right.

Heading the Citizens' Commission

Nathan: And did he pull you into that?

Heyman: Yes, in a way. The Bay Vision 2020 effort was organized by Bay Area legislators who had experience on regional bodies like the Metropolitan Transportation Commission (Rod Diridon is a good example), the Greenbelt Alliance (representing environmentalists), and the Bay Area Council (reflecting business interests). I don't know whether Joe was enlisted by them or he enlisted them. Organizational activities occurred before I got into the loop. The organizers approached me to head a citizens' commission they were forming that would be responsible for a report and action plan responding to regional planning needs in the Bay Area. This was in the spring before I finished being chancellor. I accepted the offer to commence that summer.

Joe was the executive director and he and I again worked together. The commission met extensively--always in public--and came up with a report that asked the state legislature to create a planning commission that would adopt a plan and return to the legislature seeking its adoption of the plan and implementing powers. This was the process followed by BCDC. It was more top down than bottom up.

We won in the assembly, but lost by a few votes in the senate. My old friend, Quentin Kopp, was mainly responsible for the failure in the senate.

It was too bad, because I think that the commission, if it had been created, would have sensitively balanced local and regional concerns and helped address what have become even more horrendous interrelated regional problems than at the time: traffic gridlock, lack of affordable housing, loss of open space, and the like.

I was disappointed at our failure, because we had worked hard to create a sound approach. A sad problem for me was that the political culmination of our efforts occurred during the last four or five months of my son's life. I was spending a lot of time with him and consequently couldn't get up to Sacramento very often. But I don't know if it would have made any difference.

Early Work on Protecting Lake Tahoe

Nathan: Really. You had also done some work on Lake Tahoe?

Heyman: Yes. Quite a bit in the late sixties and early seventies.

Nathan: Lake Tahoe is again in the news. They're discovering that it is lacking clarity.

Heyman: Well, it was always going to do that; all the land disturbance does have an influence. But our efforts certainly arrested the rate of degeneration. The problem with Lake Tahoe is preventing particles of soil from getting washed into it when the soil is disturbed by building and trenching. The soil sediment gets into the lake and goes into suspension about thirty feet down. In effect this creates two lakes. The lake thirty feet below is absolutely clear. However, as the lake above begins to warm, algae growth starts. That's a major problem.

The planning and regulatory efforts of the Tahoe Regional Planning Agency certainly cut the amount of development by a large proportion. Whether that will be sufficient is a major question.

Nathan: So you came back home and found the same issues going, round and round.

XII. SECRETARY, THE SMITHSONIAN INSTITUTION, 1994-1999

Heyman: A little on the Smithsonian?

Nathan: Right. Now, you were on the board there?

Heyman: I became a regent in 1990. I was nominated by Norm Mineta, who was a congressional regent.

The Board of Regents

Heyman: The governing body of the Smithsonian is the board of regents with a set of powers not unlike the board of regents of the university. There are two ex officio members: the Chief Justice of the United States, who acts as the chancellor and presides at regents' meetings, and the vice president, who doesn't attend meetings often. In addition, there are six legislators, three from each house, two named by the majority leader and one by the minority leader. Then there are nine citizens nominated by the board. They have to be confirmed by resolution of each house of Congress. It's a baroque selection process.

I was the chairman of the committee of the board that nominates citizen regents when Bob Adams, then secretary, said he was going to retire. So it fell to me to be the chairman of the search and selection committee for the new secretary. I worked hard to come up with good candidates, but my colleagues rejected them and sought to induce me to agree to be nominated. I finally agreed with considerable misgivings. So that's how I ended up in the job.

Nathan: Had you known a good deal about the Smithsonian?

Heyman: Well, I knew quite a bit, but not everything. I had been a fairly active regent and I had been interviewing many staff as a prelude to the search.

Nathan: Remember when you came in as Berkeley chancellor, you had four major points--

Goals as Secretary

Heyman: Right.

Nathan: Goals. Did you have anything of the sort for the Smithsonian?

Heyman: I had major goals which I explored in my installation speech. One was to create a Smithsonian presence nationwide, not solely in Washington.

Nathan: So that's expansion?

Heyman: Well, yes, in a way, but not exactly. I had several specific methods in mind for outreach. One was a substantial virtual presence on the Internet, which we accomplished. A second was to enter into affiliations with museums around the country to share objects from our collections and various programs. We're beginning to do that. A third method was touring more exhibitions than we had, thus bringing collections from the Smithsonian to sites across the country.

I did not want to build new museums outside of the Washington area, for many reasons. The expense would be immense and the Smithsonian would end up in pork barrel politics--a dangerous game.

The second overall goal was to increase non-appropriated resources for the Smithsonian. These included grants, donations and revenues from business operations, like *The Smithsonian* magazine.

The third was to increase Hispanic culture representation at the Smithsonian in exhibitions, collections, and personnel.

These were primary goals. In addition, of course, it was critical to maintaining the quality of the museums and research centers.

Of course, I had to solve the Enola Gay issue also. That was a chore.

Defining the Smithsonian and the Regents

Nathan: So we are in the Smithsonian phase of your career.

Heyman: Right. I don't know if I told you about the composition of the board of regents.

Nathan: No. I'd like to hear about that.

Heyman: The Smithsonian is viewed as a trust set up by the federal government to carry out the bequest of James Smithson, and not as a federal executive agency. That's important for a number of legal reasons. Moreover, it accurately describes what in fact happened. James Smithson provided a large sum of money to the United States in his will on condition that

an institution to be named for him be set up for the increase and diffusion of knowledge among men. We rarely mention "among men" any longer. The United States accepted the money and set up the Smithsonian Institution as required.

The initial statute creating the institution, as I indicated before, provided for a board of regents with governing authority, much like the board of regents of the University of California.

The board of regents, not the President of the United States, appoints the secretary of the Smithsonian. Confirmation by the Senate is thus unnecessary. In modern times, the White House has shown less interest in the Smithsonian than in the National Endowments because the president does not select either the regents or the secretary. This means very little executive branch interference (except OMB's role with the president's budget), and also very little support except when the Smithsonian is important to the president's agenda. The vice president of course can be important to the extent that he or she plays an important role in executive governance and is interested in the Smithsonian.

In any event, as I indicated before, when my predecessor, Bob Adams, retired, I ended up chairing the search committee for secretary and my colleagues on the committee drafted me. The board was happy with the recommendation, with the exception of two regents. One was the vice president [Al Gore], who wanted a Smithsonian assistant secretary, Tom Lovejoy, who works at the Smithsonian, and helped the vice president with his book on global warming. The vice president was supported by Senator Daniel Moynihan from New York. Senator John Warner went along with a two-week delay in the appointment to allow the vice president to play a role at the regents' meeting. The vice president was in South Africa at the time. During the delay, Senator Warner interviewed me. It turned out that we had been training in the Marine Corps at Quantico at the same time. That shared background gives instant credibility.

So the board voted to appoint me secretary, and both the vice president and Senator Moynihan were very gracious about the decision.

Nathan: Right. It's somewhere indicated that the vote to appoint you became unanimous.

Heyman: Oh, yes. After the outcome was evident, everyone pulled together.

National Board and Fundraising

Nathan: I see. What is the Smithsonian national board?

Heyman: A prestigious prior secretary, Dillon Ripley, set up the Smithsonian national board. It consisted of influential people, mostly his friends, who could and would be of counsel to the Smithsonian and give him informal advice when requested. They also were charitable contributors.

Just before I became secretary, the then head of the national board concluded that it should take on serious fundraising activities and, to the extent its members were

qualified, give advice to the Smithsonian on its business activities. This has come to pass. Brokering the advice to Smithsonian administrators has not been easy. But much of the advice has been useful. Two examples suffice. Roger Horchow, a board member, has helped with our retail catalogue which has led to increased sales. Kelso Sutton has reviewed our publications operations which has led to important organizational changes.

Moreover, many members have been very generous in their annual gifts, which are now over \$1 million a year, and going up.

The Smithsonian national board will be active as we gear up to have the first capital campaign for the Smithsonian. I hope that it will provide a core of volunteers, just like the Berkeley Foundation did for Keeping the Promise.

Nathan: When you say capital campaign, does that imply building?

Heyman: No, the objects are mainly new endowment funds. There will be some building projects, but most of these involve restoration and not additional freestanding buildings. The only exceptions are a second Air and Space Museum at Dulles Airport and a portion of the funds necessary to build a national museum of the American Indian. We are beginning to identify goals now and we're seeking the person who will head the central development effort of the Smithsonian and thus the campaign.

As you can see, we are going through the same experience at the Smithsonian that I went through at Berkeley. Berkeley had never had a comprehensive capital campaign. The Smithsonian had an aborted one in the twenties. I hope that what I learned at Berkeley will be useful for the Smithsonian.

You know, we talked about goals before. I just was informed this morning that Congressman [Richard] Gephardt, the minority leader, has chosen a new House regent, Representative Esteban Torres from southern California. That appointment should help us in addressing our Hispanic aspirations.

Issues in Funding

Nathan: There was an interesting issue that sounded a bit familiar: the question of how to give credit to corporate sponsors of exhibitions.

Heyman: This is a general problem faced by educational institutions. It was a question at Berkeley and we decided that use of the corporate name was permissible. We decided similarly at the Smithsonian. There is criticism from some quarters about this outcome. It's based on two propositions. First, that it commercializes what should be free of such taint. Second, there's worry that participation by corporations will affect the content of exhibitions in an unseemly way.

Nathan: Sure.

Heyman: Those are worthy concerns, which by the way are potentially present where gifts are from individuals. I eventually concluded that given the need for support we should accept the unseemliness, but resist strongly any attempts to influence content. This is not so easy. Curators can define an exhibition seeking to anticipate corporate objection to maximize the probability of funding. And this can be quite unconscious.

Nathan: Right.

Heyman: Also, these problems have been exacerbated by a change in the corporate community. Funding for nonprofits like the Smithsonian is now more in the hands of the marketing people in the corporations than the responsibility of corporate foundations. The marketing people expect something in return for their contribution.

Nathan: Interesting, the same issues arise. There's a question of the possibility of having to charge admission; what is your thought about this?

Heyman: I'm against charging general admission for the Smithsonian for three reasons. First, it undoubtedly would impact access. And secondly, one of the joys of the Smithsonian is that you can duck into a museum for an hour, for instance at lunchtime. But if that means a \$5 charge each time, you're not going to visit very often. That's a different kind of access question. Third, it's hard for visitors to differentiate between the Smithsonian and the national monuments. I think charging admission for the White House and the Lincoln Memorial, for instance, would be wrong as well as impolitic. People ought to have free access to their treasures. After all, their tax dollars are paying the basic bills.

In any event, the Smithsonian ought not to volunteer to charge admission. It's a little like increasing fees or tuition at the University of California. You don't do it unless you're desperate. Otherwise, you invite the Congress to reduce your appropriation by a like amount.

On the other hand, there is room to charge admission fees for special exhibitions and productions. We're exhibiting an amber show that was organized by the American Museum of Natural History in New York. They are charging us for this privilege and we are imposing a minimal special admission fee to defray the costs.

[13B]

Heyman: We also charge entrance fees at our IMAX theaters and at the planetarium. Our general budget would not carry these costs and it is not unusual for folks to pay for commercial movies. But there is no charge to get into the museums where these exist.

Nathan: Right. There's the question of the secretary's mansion. Can you explain what happened with that?

Heyman: Oh, it wasn't that much of a mansion. My predecessor lived in a nice house that the regents had bought. Therese and I didn't want to live there when I became secretary. We already had rented a place during the Interior year. Moreover, I was being paid well by the Smithsonian and funds were short. So we decided to forego subsidized housing. The Smithsonian sold the house and put the money back into the endowment. Thus, there is no house for the Smithsonian secretary, at least at the moment.

Components of the Smithsonian

Nathan: That was pretty decisive. Perhaps we can talk about some of the specific parts of the Smithsonian.

Heyman: Sure. Well, first of all, we have sixteen museums and galleries, and a number of separate research institutes. Let's start with the research institutes.

Quite prominent is the Smithsonian Astrophysical Observatory, SAO, located in Cambridge, Massachusetts. A primary activity is the Center for Astrophysics, which is a joint activity with Harvard. Many of the Smithsonian research staff also hold Harvard professorships. Other activities of SAO include telescopes in Arizona and Hawaii.

SAO is one of the leading astronomical centers in the world. It is in the same league as Berkeley and Caltech, for instance. It is really spectacular.

Also quite prominent is the Smithsonian Tropical Research Institute, STRI, in Panama. It is one of the leading centers in the world for the study of tropical biology. Both SAO and STRI evolved from modest beginnings rather than advanced master planning. They were the product of clever people, availability of resources, and good timing. This parallels the story of many parts of the Smithsonian.

In addition, we have the Smithsonian Environmental Research Center, SERC.

Nathan: Is this on Chesapeake Bay?

Heyman: Yes. SERC is located on a large parcel adjacent to the Chesapeake Bay, southeast of Washington. Much of its work is devoted to identifying and measuring pollutants created by nearby estuarine communities that find their way to the bay.

Chesapeake Bay is like the San Francisco Bay, but even more imperiled, because it has such huge cities on it, like Baltimore and Philadelphia. The water quality in the Chesapeake has improved considerably in the last five to ten years because of cooperation among adjoining communities, and SERC is in the middle of the progress.

Some of the problems it monitors and seeks to solve are quite exotic. For instance, SERC scientists are studying the impact of the discharge into Chesapeake Bay of ballast from ships from around the world. The ballast carries all kinds of organisms from other oceans and large bodies of water. In fact, the ballast very often contains sizeable fish sucked up from elsewhere. The vessels come to ports in the United States to pick up cargo, and simultaneously discharge the ballast.

Nathan: So it's polluted, or it could be?

Heyman: Well, it's not necessarily polluted, but contains all kinds of exotic organisms. It's like the mussels from the Orient that got loose from ballast discharge in the Great Lakes. Because the mussels have no natural predators, they're multiplying at a great rate. It's a serious problem.

A fourth set of activities are at the Conservation and Resource Center, CRC, in Front Royal, Virginia, about seventy miles from Washington. CRC is loosely an administrative part of the National Zoo, which is also a branch of the Smithsonian.

The Conservation and Research Center has three major missions: it trains people to care for game parks in third-world countries. It breeds and sustains endangered species which it sends to other zoos and occasionally reintroduces to their natural habitats, for instance black footed ferrets in Montana and Wyoming, and develops new techniques of veterinary medicine.

Finally, there is the Archives of American Art involved mainly in collecting the papers and associated materials of important American artists.

Now to the museums and galleries, and they are many: the National Museum of American History, the National Museum of Air and Space, the National Museum of Natural History, the National Museum of African Art, and the Freer Gallery, a distinguished Asian museum associated with the Sackler Gallery. In addition, there are Hirschhorn, a contemporary art museum, the National Museum of American Art, the National Portrait Gallery, and the Renwick Gallery of Art and Crafts, and in New York the Cooper-Hewitt National Museum of Design and a branch of the National Museum of the American Indian. The main NMAI will be located on the mall just east of Air and Space.

In addition there is the Anacostia Museum--a regional and local museum located in the Anacostia section of Washington that is largely African American.

Nathan: So the Anacostia Museum is of African Americans?

Heyman: Yes, but it sponsors community events and specializes in regional African American art and history, mainly on the Atlantic seaboard. Associated with it is the Center for African American History and Culture located on the mall next to the Smithsonian castle. It presents exhibitions there and carries on historical and cultural research. We are contemplating the creation of a center for Latino culture and art, which will be similar.

Nathan: Let's see, which is the Heye collection?

Heyman: The Heye collection is the core collection of the National Museum of the American Indian which was created to conserve and exhibit that collection. It has about 1 million artifacts. We also have an exceedingly distinguished collection of American Indian materials in the Museum of Natural History, which has a long tradition of ethnological research. That collection started out primarily as a research undertaking in American Indians' art and culture and history. It was formed in the nineteenth century on the assumption that Indians were becoming extinct, and that their culture, languages and artifacts ought to be preserved. But of course, they didn't become extinct, luckily, but nevertheless, that was the basis for doing that.

Nathan: I saw a description of the National Museum of the American Indian that indicated that you were aiming for the view from the inside. Are you trying to view the collection from the point of view of Indians themselves?

Heyman: Yes. There are three ways you can show these materials. One, you can show them solely from an aesthetic viewpoint, because they are quite beautiful. Relatedly, you can view them as arts and crafts and take a more anthropological viewpoint. For instance, you might organize a number of baskets and show similarities and dissimilarities among them. Both of the foregoing are based on modern Western perspectives: aesthetic and anthropological.

The third way is to select and organize the materials from the point of view of Indians themselves. What is the significance of each of these objects in the culture from which they arose. That's how we're doing it and I think that's quite unique in a non-native museum. We've been criticized by some for this choice. Others, especially young anthropologists, applaud it.

Nathan: Oddly enough.

Heyman: Oddly enough.

Nathan: Fascinating. Now, let's see: the National Air and Space Museum?

Heyman: Fondly known as NASM, National Air and Space Museum.

Nathan: I see. Is there an intention to move it to Dulles?

Heyman: There's an intention of creating a second part of the museum at Dulles. It will be larger than the one on the Mall. The Mall museum isn't large enough to show big planes. We couldn't even show a whole B-29 like the Enola Gay. It was both too heavy and too large. Raising the necessary funds is a huge task. Luckily, the State of Virginia is supportive and is providing road access and basic utilities, not inexpensive items. The federal government is providing only the planning funds. When the museum extension was conceived Congress was cutting back on funding, not adding to it. The lion's share of the cost--construction funds--will have to come from revenue bonds to be paid off by activities like theater, cafeteria and parking receipts, and by hefty donations. We are just starting that campaign.

Nathan: I gather you are serious about making the Smithsonian complex relevant to the whole country?

Heyman: Yes, I am.

Nathan: So you're going to try to raise funds all the way across the country?

Heyman: That's right. But NASM is exemplary in lending from its collection: some 10 percent is on loan to other museums around the country. In fact, I think we have some items in England and France also.

Nathan: It sounds almost more like a multinational corporation.

Heyman: The whole Smithsonian is a bit like one. From the elegant Asian art collections of the Freer and Sackler to the American technological wonders of the Air and Space Museum.

They're utterly different genres, but under the same roof called the Smithsonian. So it's a bear.

Nathan: You've got your chair and your whip in hand?

Heyman: Yes. The College of Letters and Science and the variety of professional schools here at Berkeley are much closer related in many ways than some of the activities of the Smithsonian.

Nathan: Do you have the sense that it is going to continue to develop and bring in new areas of interest?

Heyman: Not in the near future given static federal funding. Our growth presently is toward outreach in part because we share these costs nationwide and this growth permits us to continue being dynamic.

Nathan: True. I have a note about the Ocean Planet?

Heyman: That was an exhibition mounted in the National Museum of Natural History that was supported mainly by the Times-Mirror Corporation. It has been on tour, and right now it is at the Presidio, in the new building that was created for these kinds of exhibits. It's been very successful there.

Smithsonian's Web Site

Nathan: Do we want to talk about the online services?

Heyman: Well, we have a major web site. It has about forty hours on it. Not only is there a Smithsonian home page, but there's a home page for practically every one of our museums and research institutes. There's a lot of material and it keeps growing. I hope it's getting pruned also. The quality is variable and depends on skills of folks in the individual museums. It is one of the better sites on the Web, and is well used. We're getting around four million hits a month. A lot of sites peak in number of hits and then drop off. The number of hits on our site, however, continues to increase.

Nathan: So you don't know what percent are schools or other educational groups?

Heyman: You know very little actually about the nature of your audience or how long they stay with you. Techniques to determine the answers to these queries are getting more sophisticated, and soon, I suspect, we'll know much more about our users.

Publications

Nathan: There are some publications that come out of the Smithsonian.

Heyman: We publish many magazines. The two major ones are *The Smithsonian* magazine and the *Air and Space* magazine. Most museums publish journals, and of course, catalogs. We also have two children's magazines; one is *Muse* (as an affiliate of *Cricket*), and the other one comes from the American History Museum. And then there are research reports.

Additionally, we have the Smithsonian Press, a scholarly press, and also a more commercial one publishing popular books which has lost quite a lot of money in the recent past and is destined for serious downsizing. At first, well before I was secretary, the commercial press did exceedingly well. Then the technology in direct mail changed radically, but we didn't follow. This left us with a very large inventory that had to be written off. We had a similar problem with Smithsonian Recordings.

Nathan: When you say "commercial," what does that mean?

Heyman: Books written for the general public.

Nathan: I don't know if you can even estimate this, but you speak of commercial ventures, things for sale. I was wondering what percentage of your income is coming in from what you would think of as commercial products?

Heyman: Well, I'd say about 15 percent.

Nathan: There was one that caught my eye, *A Practical Introduction to Videotaping, the Smithsonian Institution and Alfred P. Sloan Foundation Experiment*.

Heyman: Oh, I don't know about that.

Nathan: It seemed pretty bold.

The Smithsonian Associates

Heyman: One of the activities at the Smithsonian I didn't mention is called The Smithsonian Associates, TSA. They have two primary activities. They put on programs in the Washington region, much like Extension at the university. They are very interesting programs and well attended.

In addition, TSA organizes tours within and outside the United States. They are reputed to be excellent and are numerous.

Nathan: And with experts in the field?

Heyman: Usually Smithsonian experts, but others too.

The 150th Anniversary

Nathan: Right. And the 150th anniversary in 1996. What did that do for the Smithsonian?

Heyman: We mounted a huge exhibition that's still going around the country. So far it has gone to six cities--Los Angeles, Kansas City, New York, Providence, St. Paul, and Houston. It's on its way to Portland, Oregon right now, and then it will go probably to San Jose and Birmingham, Alabama. We've hosted over 2 million visitors. The show has objects from each museum--some 350--and requires so much space that it is booked only in convention centers. It also has a separate section for our major corporate sponsors. Their exhibitions have turned out to be quite imaginative. But the central show is of Smithsonian treasures.

That same year we launched the web site, which has been very useful. We also did three specials on CBS as well as a series of commercials that starred famous people holding an object from the Smithsonian and explaining why that object was his or her favorite. All of these activities brought the Smithsonian home to the American people.

We also entered a relationship with Creative Artists Agency, a leading Hollywood firm. The idea is to see whether information at the Smithsonian lends itself to media presentation. We'll see how that evolves. I have great hopes, but this is a learning experience for us all.

Nathan: Can't get away from education, no matter how hard you try?

Heyman: No. One can't. I'd like us to make money out of this. Primarily, however, the issue is whether we can accomplish our mission with methods that we haven't used previously. I'm very worried, as I know other people in the museum world are, that we have to create new ways of presentation to hold the attention of young people. So we have to experiment and see whether professionals who think differently about communication of ideas can help. We have to make sure that what is communicated through exhibitions and other media is accurate, but at the same time we have to experiment with new means of presentation.

Nathan: It will be very interesting.

Heyman: Yes, it will be, and I think a number of the people at the Smithsonian will be quite defensive about this approach. Others, however, will welcome it.

Lessons from the Enola Gay Controversy

Nathan: Speaking of being defensive, I think Preble Stolz wrote a report for you. Was that on the Enola Gay?

Heyman: Yes. You know, when I became secretary, there was a heated dispute concerning the planned exhibition at the Air and Space Museum of the Enola Gay on the 50th anniversary of the end of World War II. I hadn't known anything about the exhibition when I was a regent because it hadn't been discussed. Nor did I know about it when I accepted the job. But controversy surfaced publicly the summer before I took over, so I had to deal with it. In the end, I scrapped the original exhibition and ended up having another one scripted and arranged.

Soon after I became secretary I asked Preble to come to Washington, talk with people at the Air and Space Museum and elsewhere, and piece together the origins of the exhibition script and plan, which were then in draft. I needed good information to determine our course of action and to answer innumerable inevitable questions.

The immediate cause of the controversy was an article in the air force journal [*Air and Space Power Journal*] describing the exhibition as it appeared in draft and characterizing it as anti-American and pro-Japanese. The issue, of course, was the morality and necessity of dropping atomic bombs on Hiroshima and Nagasaki. The exhibition draft seriously questioned both aspects and quite arguably was slanted in two principal regards. First, it gave no history of Japanese aggression--chronologically the exhibition was to start in 1945. Second, a lion's share of the exhibition focussed on casualties and destruction in Hiroshima.

Both print and TV media picked up on the air force journal article, repeated its assertions endlessly, and created the impression that the exhibition was already installed. For a number of months, the script writers made numerous changes in the draft, an auxiliary exhibition was planned to show the history of the war in the Pacific prior to 1945, and the undersecretary of the Smithsonian and the director of the Air and Space Museum carried on lengthy conversations with various veterans' groups, especially the American Legion, concerning the changes.

Perhaps it was due to the naivete of the Smithsonian and its then incapacity to cope with a public information controversy of this scope, but we could never convince the public, the media, the veterans' organizations, and the new Republican Congress that we had heard the message and were responding to criticism. That, coupled with awkward procedural errors at the Air and Space Museum, left us constantly vulnerable to scathing criticism. It came not only from the right, but from such liberal sources as *The Washington Post* editorial page.

I finally concluded, with reluctance, to scrap the original script and design a new exhibition. I took personal responsibility for its preparation.

I also concluded that it had been unwise to seek to present in a prominent national museum of the United States an exhibition that could most easily be taken as a condemnation of a decision that ended a gruesome war and undoubtedly saved the lives of thousands of Allied troops, war prisoners, and civilians outside of the cities that were bombed. It was doubly unwise to do this in commemoration of the 50th anniversary of the Allied victory.

My decision produced mixed reactions. Perhaps some day I'll write a monograph on the event from my perspective.

Nathan: But you did survive it.

Heyman: Yes, the Smithsonian did, and so did I. But the events stimulated extended discussion within the Smithsonian concerning how to deal with controversial subjects--especially historical ones. I took the position that exhibitions dealing with controversial subjects are inevitable and ought not to be avoided. Concomitantly, however, I've been preaching that such exhibitions have to be balanced, they should explore differing viewpoints. Moreover, they should not ignore the context of the times when the events occurred.

A number of curators resist this formulation. In their view they are akin to university professors with academic freedom to express their interpretations and ignore other ones. My rejoinder has been, books and classes are one thing, museum exhibitions another. In the latter, what one puts up on the walls is taken as what the museum says, not the curator. In fact, curators aren't identified, and people rarely differentiate between them and the museum. This is especially important in public museums. If the exhibit condemns President Truman as immoral, this is taken as an official condemnation. We have to make clear the bases of differing views and let the visitors come to their own conclusions. The debate about this will be endless.

XIII. MORE ON UC BERKELEY

[Interview 8: April 2, 1997] ## [14A]

Focus on Admissions and Diversity

Nathan: Let's get back to Berkeley. Are you thinking of saying some more about undergraduate admissions?

Heyman: When I first came to Berkeley, anyone eligible for admission under systemwide standards could attend Berkeley. There was adequate space. After the trials and tribulations in the sixties, however, applications began to increase, and it was clear that we had to have a rationing system of some kind. Simply being eligible for admission to the University of California wouldn't suffice.

At the same time, many of us wanted to enhance racial integration and recruit and admit underrepresented minorities to some extent preferentially. So you had a clash between academic indicia and the desire to enhance integration.

But this was not unprecedented. Berkeley historically gave preference to groups sought for specific reasons. For instance, we give preference to recruited athletes (including many who are not otherwise eligible). We give preference to recruited band musicians. We give preference to members of other groups who are specially recruited because we think that they can benefit the university in one way or another. So I never was troubled that we used some bases for admission other than grades and test scores even as it became harder and harder to get into Berkeley. I didn't find that unethical in the case of underrepresented minorities. Attaining a reasonably diverse student body was an important end.

As I explored before, there are many reasons for wanting to do this. One can speak about history, discrimination and morality, all of which are important. But what's always been important to me is looking at California's future. This state will have enormous diversity among its people. The state ought to be proactive in bringing the best young people

together from all groups, because they are our future leaders, and to the extent it's feasible, they should learn to live and cooperate with each other. So I always saw a purpose in seeking diversity that was at least as valid as having a good football or basketball team.

Berkeley has been quite active in seeking to improve the educational opportunity and performance of minority youngsters in high school, and even reaching down into junior high school, through a variety of programs.

Nathan: So you were actually enlarging the pool?

Heyman: Yes. The aim was to provide a diverse student body using usual academic yardsticks for admission. An early effort was in the Academic Senate where the faculty created the Special Opportunity Scholarship Program [also supported by the regents], which later turned into the Professional Development Program. Therese sought to engage promising young women and minorities in science and math education during high school. It was very successful. One of its problems was that the Ivies looked at it as a place to recruit. We lost about 50 percent of those enrolled to such schools as Harvard, Dartmouth, and Princeton. In a larger sense, of course, that outcome was fine. But it frustrated our aim to enlarge the numbers here. There were other programs with similar aims. The MESA program in engineering is an example.

These programs, and their follow-ups in freshman year, sought to instill good work habits and an understanding of how hard one must work to be good at an academic subject. By the way, we have an extraordinary outreach program called the Young Musicians Program. It chooses underprivileged children with musical talent and provides a very rigorous program during the summer in music education and performance. Those youngsters really learn how hard one must work to be excellent. And they get so much pleasure from performing well because of all the effort they've put forth.

Some of the multitude of programs have persisted, others have crashed. But Berkeley has expended a lot of effort in constantly seeking to enlarge the pool and to increase the academic worthiness of underrepresented young people. This has gone hand in hand with modest amounts of preferential admission.

Some Distinguished Visitors

Nathan: That's helpful.

At this point, would you want to talk about some of the distinguished visitors who have come to the campus, and what they meant to the campus, or to you?

Heyman: You have identified a number of prominent campus visitors. I'll talk about a few, especially those whose visits were special to Therese and me.

I remember when Queen Beatrix and Prince Claus of the Netherlands came here. It was a state visit involving the dedication of the Queen Beatrix chair in Dutch history and

culture. A prominent memory was going down to the Alameda Naval Air Station to pick them up and then riding back with them to the campus. The California State Patrol had closed all the roads from the air station to University House. So we went up the freeway and through Berkeley without encountering any other traffic. I said to the Queen, "You ought to come back more often, this is a unique experience for me."

All this, together with an early plane arrival, resulted in our coming to the campus an hour earlier than planned. In the absence of any alternative I said, "Come on over, we'll go to University House." And poor Therese was utterly unprepared. But it worked out fine. The hour gave us a little time to chat with them, which we wouldn't have had otherwise.

Queen Beatrix came of age during the sixties. Many of her attitudes were similar to those of Berkeley youth of the period. This made her an especially interesting monarch.

One of her sons was a student at Berkeley at the time, in engineering. He had joined a fraternity, and really loved it here. After this state visit, the Queen and the Prince would come over informally from time to time to visit their son and stay at the Claremont Hotel. On the last of those visits we got a call asking if we'd come to tea at the Claremont with the Queen and the Prince. We obviously went and they wanted to thank us for how well their son had done and how happy he had been here. But unfortunately, they had concluded, over his objections, he had to come home and finish out his college career in a Dutch university. He fought the decision both before and after the tea, but unsuccessfully. I remember his seeking an audience with the King of Spain, who was a later visitor to Berkeley and was the Queen's cousin, to plead his case and induce the King to convince his mother to let him stay at Berkeley until graduation. All to no avail.

Nathan: Just an ordinary student?

Heyman: With rather special access.

And then last year the Queen came to Washington to open the Vermeer show at the National Gallery. She gave a small private reception and invited me. She wanted to tell me about her son who was working in New York on Wall Street. So he did manage to return, if not initially stay, in the United States.

The Gettys and their Gift

Heyman: We got to meet Gordon and Ann Getty through a mutual friend, Norma Schlesinger. She arranged a lunch at Berkeley to give Gordon an opportunity to discuss with Rod Park and me some economic theories he had developed. It was an interesting conversation and led to others with economists on the campus. After that, Therese and I were included in various social parties at the Gettys'.

There are many occasions I could describe, but most relevant here involves the Gettys as donors. My first foray was to seek to engage Gordon's interest in the project that resulted in the Keck telescope on Mauna Kea. I thought he might like to underwrite that telescope, or a good portion of it, and have his father's or his name connected with it. But

he was not interested. Moreover, he indicated no interest in personal or family naming opportunities.

Soon thereafter, however, Gordon contributed funds to keep some science projects at Cal alive between grants, mostly in astronomy. We had touched on that in the prior visit.

Gordon's primary interests, as many know, are anthropology and archaeology. This led me to ask him for a gift to be matched by others necessary for the restoration of the Life Sciences Building. I needed an additional \$15 million to assure completion of the project. I said to Gordon: "If you could give me half of it, we'll use that as a base to get the balance." He said he'd think about it.

I don't know if I've told you this story or not, but I didn't hear from Gordon for the longest time. Then, while I was at a regents' meeting at UCSF, I got a call from Ann, asking me to come to the Getty house. I had no car because the Bay Bridge was closed to repair damage from the 1989 earthquake. It was about fifteen walking blocks from the Fireman's Fund Building where the regents met. I arrived somewhat breathlessly and Ann said that she and Gordon were having their twenty-fifth wedding anniversary, and decided that their gift to each other would be \$15 million to the university for the restoration of a large area in LSB that would include the biology library. They wanted no personal credit, but at my suggestion they thought it should be named for Sherry Washburn, the distinguished Professor of Anthropology.

Nathan: That was Sherwood Washburn?

Heyman: Yes. When Ann gave me the news I naively I blurted out, "But Ann, I only asked him for \$7.5." She said, "But you need \$15, don't you?" And I said, "Yes, we do." [laughter] It was an exhilarating occurrence.

An offspin of this was Ann anonymously enrolling in courses at Cal which she completed quite successfully. She's a very smart and competent person. She was seeking to finish college and obtain a degree.

Nathan: What field?

Heyman: I don't know her major, but she was doing a lot in the sciences and in archaeology. I don't know the final outcome because I retired as chancellor that June and lost touch when I went to Washington.

Nathan: Well, that's very touching.

Heyman: Yes. And the Gettys continued their interest in the university thereafter, and have been wonderfully supportive of us from what Chang-Lin has told me. The relationship with them has been a good one.

Nathan: This is an important part of what the chancellor now does?

Heyman: Yes. It is. Cultivation of donors and otherwise seeking to raise serious money is very important. Probably the major accomplishment of the Keeping the Promise campaign was overcoming a past when we asked very few people who could afford it for large



Secretary of the Smithsonian I. Michael Heyman in a cartoon by Al Hirschfield, 1990s



Speaker of the House Newt Gingrich with Secretary of the Smithsonian Mike Heyman and an unidentified skull, 1995

sums. Historically, of course, many of the great buildings at Berkeley had been built with private funds. The Campanile, the Hearst buildings, the Greek Theatre, and Harmon Gym were built by contributions of individuals. But all of those were single events, not part of a coordinated fundraising campaign. We broke the ice. So yes, this is something chancellors do, and so do secretaries of the Smithsonian.

Therese's Tasting Parties at University House

Nathan: A lot of people here would be interesting to talk about. Therese, as I understand it, did a wonderful set of events to bring people closer to the university than they might otherwise be.

Heyman: Yes. Among others, she held food-tasting events before big dinner parties at University House. She would have a group of women over, and they would sample and then choose dishes to be served. She continues to do this for some Smithsonian events. It's fun for her and also provides opportunities for people to become close supporters of the institution.

Friends, Colleagues, and Supporters

Heyman: Harriet, you asked about important Cal supporters. I will undoubtedly sin by omission. But here are a few.

Shirley Conner is a great Cal woman. When she became the first woman president of the Alumni Association, I would introduce her as the first president from the city of Alameda, which was also true. That she was elected in 1980 tells one a lot about her skills. She's an absolutely wonderful person who has been enormously active in UC alumni affairs. She's a special friend, because the year that I became chancellor was when she was president of the Alumni Association, so we saw a lot of each other at one after another alumni occasions. And we still do; when Therese and I came back to the Big Game last year, we went to her house for her perennial after-the-game cocktails and buffet.

Well, Dick and Mary Hafner have to be mentioned. Dick, of course, was such a stalwart contributor to the campus for so long as its chief of public information. And Mary was also close to UC, as her father had been a regent. Dick and his associate, Ray Colvig, were wonderfully old-fashioned bridges to the media. They were absolutely straight and thus their word was trusted. This was extraordinarily important in tough times. And it enhanced the believability of people like me. The media assumed I was telling the truth because of the way Dick and Ray operated. I could have disproved this, of course. But even if I were so inclined, I don't think Dick would have allowed me to misinform. By the way, the assumption in Washington seems completely contrary.

Dick and Mary now are making wine in the Alexander Valley in Sonoma County. Both their whites and reds are superb.

Another family of importance were the Bechtels. Steve Bechtel, the founder of Bechtel Engineering, was a Cal graduate. The Bechtel Engineering Center was a gift in Steve's name from family and Bechtel colleagues. I remember Laura Bechtel, Steve's wife, not so much as an angel of the university, but as a substantial supporter of my wife's efforts in photography at the Oakland Museum. She developed, with Therese, the rooms and equipment necessary to store large numbers of prints and negatives in the Oakland Museum. They also outfitted the special photography gallery on the third floor of the museum with wonderful cabinets and facilities for exhibiting photographs. She and Therese became good friends.

Bill Slusser's name comes to mind. He has been a great supporter of the university for a long time. He's of the same generation as Morris Cox and Gene Trefethen. That group attended Berkeley in the thirties and viewed their experiences here as closely linked to later success. There are many others like them, but these three come to mind because we were so close. They were passionately in love with Berkeley and when they became wealthy they became substantial donors and very good friends and supporters.

The name of Bob Bridges belongs here too. He had both his bachelor and law degrees from Cal. His loyalty was extraordinary as were his efforts with the Berkeley Foundation, including its presidency. Bob gave attention, resources, and lots of effort for his alma mater.

I want to mention an insider here, Sandy Elberg, because I've said so little about him before and because he was a friend and supporter as well as an administrator. Sandy was the graduate dean when I was the vice chancellor, so we saw a lot of each other. You couldn't think of a more lovable and nevertheless strong man who not only understood academic quality, but was a compassionate and effective administrator. He is very decanal.

Nathan: Decanal?

Heyman: Dean-like, in the old-fashioned way. Let me give you an example. I remember when Al Bowker closed the School of Criminology. It was in the early seventies before I became vice chancellor. It fell to Sandy to pick up the pieces and save the most useful. This occurred soon after I was in California Hall. Sandy conserved the better parts of the curriculum, some portion of which ended up in a new unit at the law school--jurisprudence and social policy--a quite innovative program which needed Sandy's energy and sagacity to be created. Sandy also negotiated the placement of tenured faculty from criminology to other departments. Sandy put the whole thing together, behind the scenes and with great grace.

Sandy retired just before I became chancellor. But thereafter we kept calling him back for many chores, the major one being as provost for a semester when Doris Calloway took leave. Then he was induced to be the interim president of the Graduate Theological Union. Think what that says about him. Here's a Jewish man, distinguished in public health matters, being asked to take over on an interim basis a graduate theological seminary made up of Christian faiths. He continues to be wonderful.

Heyman: I have a few more insiders in mind whom I'd like to mention.

The first two are Joyce de Vries and John Cummins, who were my immediate staff. Joyce was my secretary (the title now more accurately is assistant or personal assistant). She had the same role when I was vice chancellor, so we were together for sixteen years. She was both the face of the office to visitors and the voice on the telephone. She was superb as a communicator and a fount of information. She was also an internal information center. Her extraordinary memory could locate letters, reports, and other documents which I unvaryingly needed, but vaguely remembered. And she presided over the office staff with energy and talent.

I was exceedingly fortunate to have John Cummins join me as assistant chancellor. We became very close and I took few actions of importance without discussing them with him. He was a great observer, forewarned me about potential troubles, and gave great advice. He interacted with the vice chancellor, the provost, and the other administrative leaders exceedingly well, especially given my desire not to have a chief of staff, but to relate directly with the chief line officers. Moreover, John became the primary representative of the chancellor's office in dealing with campus unrest, demonstrations, and the like. Over time, he also became the prime tactician in handling these events.

Both Joyce and John continued in their same roles with my successor and both remain good friends. I could go on and name others--whom I have not mentioned--whose advice I sought and whose performances I applauded. These included, most prominently, the principals in budget and planning--Errol Mauchlan, Frank and Louise Taylor, academic intimates like Alan Jacobs, Dick Bender, Sandy Kadish, Preble Stolz, Frank Newman, and a host of others. But full recognition of so many would unduly lengthen this oral history.

More Distinguished Visitors ## [14B]

Heyman: I have to tell you the story of the visit of François Mitterand when he was president of France. The first event I recall was going to the top of the Campanile with him and Governor Deukmejian. When we came down, we were greeted by a huge crowd of mostly hostile people. Mitterand thought they were there to see him, but actually they were a crowd of protesters after the governor because he had vetoed a gay rights bill the previous day. So people were yelling and screaming. Mitterand, however, for whatever reason marched right into the crowd and shook hands. The security people were thunderstruck.

Well, we got out of that crowd somehow and went to Wheeler where Mitterand spoke with simultaneous translations. Then we walked across the campus toward University House for a luncheon. There we found a large group of people from Algeria who were protesting French policy. They had gathered on the hillside on either side of the entranceway to University House. I got out in front of the entourage, and told our police, "Get those people out of there." Our officers really moved fast to clear the area. So we got in.

We had a formal sit-down lunch planned. Unfortunately, sixty people showed up who weren't invited. Most of these were Frenchmen who were part of the big diplomatic party touring with Mitterand. They were supposed to eat at the Faculty Club but were put off by their exclusion. And there were people there in conjunction with joint programs Bill Shack worked out with a number of French universities. The agreements had been signed that morning.

Nathan: What did you do with sixty extra people?

Heyman: Well, Therese was a bit nonplussed by all of this. But she wisely turned to the woman in charge of protocol for the United States, Lucky Roosevelt, who somehow took care of it expeditiously. I don't know how she did it, but five minutes later, they were all gone, trooping up to the Faculty Club. We've since seen Lucky, now that we've been in Washington, and have reminisced about the occasion.

Mitterand spoke no English, so we enlisted Jean-Marie Barnes to serve as principal interpreter. She is the wife of Tom Barnes, who teaches in the history department and in the law school. Jean-Marie is French, so she enjoyed the role immensely. Later, Mitterand honored us by giving us all the volumes of his printed works in French. They stayed in University House when we left.

Mitterand also had bestowed on me the Legion of Honor. Visiting dignitaries often give medals to host chancellors. So I got a Legion of Honor, utterly undeserved. Queen Beatrix had awarded me a huge medal called the Order of Orange and Nassau. I have worn the two medals twice--at formal dinners in Washington that call for tails and medals.

Nathan: Do you wear the little rosette of the Legion of Honor?

Heyman: No. I unfortunately lost it.

Nathan: Did you get any particular sense of Mitterand as a person?

Heyman: None at all. He and I went out in the garden for stroll, but communication without an interpreter was difficult.

There were several very funny things that occurred in connection with the visit. First, Mitterand had to have phone connections with Paris. The consul tried to arrange for a separate phone in our house for the time that he was to be there. They couldn't work it out somehow. So they left one of our University House lines open to Paris for the whole day. I think the French finally paid the bill, and it was very large.

Second, security was a nightmare. Agents from three different French security forces were guarding Mitterand. They constantly fought with one another and our police chief had to keep them in line. He did an amazingly good job.

Finally, confusion attended Mitterand's departure. He was going by helicopter to Silicon Valley, from somewhere on the eastern part of the campus. His entourage drove to that site in a number of limousines. But they forgot his valet. I remember this picture of the cars driving off, and the valet running after them. He never caught up, so we had to take

him to the French Consulate in San Francisco, where he could await his fate. The whole thing was so stereotypically Gallic, at least to this American observer.

Nathan: Yes. Too bad it wasn't filmed.

This is sort of a list of hors d'oeuvres, and you get to choose your topics.

Occupation of Sproul Hall Steps, and the Vote to Divest

Heyman: Okay. Didn't I talk about the sit-in on Sproul steps?

Nathan: I think in passing, but not a whole lot.

Heyman: This activity followed the violent anti-apartheid demonstrations in 1985. The next event was a sit-in, lie-in, sleep-in, an occupation of the Sproul Hall steps. It attracted a lot of participants in addition to students. Many were Berkeley street people. After a while it was largely street people. It was difficult to deal with the occupation. It was a mess physically and it was rough from time to time. It was a little like moving People's Park to Sproul steps.

I met with staff and trusted advisors at length and decided to clear the steps by a police action. This occurred about three days after the onset and required numerous arrests. They couldn't stick, however, because municipal judges in Berkeley refused to press trespass charges. I thought this was very unwise. It leaves enforcement solely to the police without any judicial intervention. It either invites physical confrontation or tells public agencies that they are powerless to enforce their rules.

Nathan: Were the participants attempting to prevent access to Sproul Hall?

Heyman: No, you could get in Sproul through other entrances, but you couldn't go up the front stairs.

Nathan: Yes. That's curious, isn't it?

Heyman: Well, it's not a bad place if you're trying to get publicity and trying to disrupt university operations. In any event, the occupation went on for about a month and a half, and then it just petered out. At the very end, we sent in the sanitation people and the police. Those who had remained seemed glad that there was a definitive end, because they had no way to end it on their own.

The dynamics of the demonstration were interesting. After a while (a week or two) it was internalized in the life of the campus. It just became another campus event. People stopped paying any attention to it, so it lost its force. And yet it was hard for the demonstrators to quit. It's like marching out of Vietnam saying, "We won." But nothing had happened regarding what they were seeking. The regents refused to act until that summer when George Deukmejian got conservative regents, whom he appointed, to join liberals on the board and vote to divest, over President Gardner's objections.

So all of this turmoil could have been avoided if the governor had acted at the beginning rather than later. Of course, the demonstration might have been the trigger, but no one so claimed.

Nathan: The timing was awkward?

Heyman: Yes. It's interesting that very few in the state criticized the governor for his action. Perhaps you can get away with anything in late July.

Nathan: Did you get to know Deukmejian?

Heyman: Hardly at all. He was the president's turf, and David did a good job relating to him. This was Gardner. Gardner and Deukmejian hit it off exceedingly well. Gardner convinced Deukmejian that he could leave as a fine legacy a strengthened University of California.

We had a number of demonstrations during my term. The only ones I remember, other than the anti-apartheid ones, were at my inauguration and in the spring of 1990, just before I stepped down. The latter had to do with the admissions process. I think that the left foresaw that it would be much more difficult to organize demonstrations against a chancellor of Asian birth and ancestry. And they were right. Berkeley became seemingly much more moderate.

Nathan: What do you mean by moderate?

Heyman: We don't have any demonstrations. [laughs] I think this has resulted largely from a change in the ethnic mix on the campus and a change in the economy which focuses student attention more on grades than demonstration. I think that students now believe that life is going to be tough in the future, so they've got to work very hard to get good jobs. I think that earlier there was a general sense that the future would take care of itself, so one didn't have to worry about it while in school.

Chancellor's Views of Regents

Nathan: Did you want to say anything about Vilma Martinez, or other individual regents?

Heyman: Yes. Well, I still see Vilma. The interesting thing about Vilma is that here's a woman who was the head of MALDEF, the Mexican American Legal Defense Fund, and came on the board, obviously very interested in the lot of Mexican Americans in California and in the university. But as time went on, she broadened her interests and subsequently became a very important regent. She never gave up her liberal views and always has remained very sensitive to inclusion. She went on to practice law in a prestigious Los Angeles firm where she is presently.

In the old days, I knew some regents quite well--Billy Coblentz, Bill Roth, Ellie Heller, and some others. When I was chancellor, I was quite close to Stanley Sheinbaum, whom I see from time to time. He was a powerful force on the regents when there were a lot of Democrats on the board. And I know Joe Moore quite well. Others included Vilma, Yori

Wada, Harold Williams, Jerry Hallisey, Frank Clark, and Ed Carter. There are other people, but they're not coming to mind right now.

Nathan: What about Glenn Campbell?

Heyman: Glenn Campbell, chairman of the regents at one point during my chancellorship, sought to get rid of me, as I think I explained before, but he never was very explicit about that. He orchestrated a resolution directing me to discipline disrupters at a speech by Jeane Kirkpatrick after I said we had not and could not identify them. I would have resigned if the resolution passed.

Nathan: Yes, I think you did have a few words to say about that.

Heyman: Stanley Sheinbaum organized the successful opposition to Campbell's attempt, but I didn't know which way it would go until the vote was taken.

NCAA Speech and Deemphasis

Nathan: There are certainly some other interesting things. This NCAA speech. Was this the one about red-shirting freshmen?

Heyman: Yes, as I said before, red-shirting was to be the first reform. I use red-shirting as an example in my speech saying that we take freshmen who barely know what a university is, and the first thing we do is to involve them in summer football and prepare for upcoming football games. I thought this was a travesty.

You will recall that the Pac-10 and Big Ten presidents thought red-shirting a reasonable suggestion, but consideration of the proposal was shelved within three weeks as the athletic directors worked on their presidents. That's when I decided that I had made my symbolic stand, and I wasn't going to devote my life to that cause. My stand, of course, infuriated a number of sports-devoted alumni and that reputation gave my successor a great opportunity to cement his relations with them by strongly supporting intercollegiate competition without discussing shortcomings. He wisely took advantage of that opportunity.

Serving on a Corporate Board

Nathan: It's interesting, isn't it, how these things work? Very nice.

Are you interested in talking about your joining the Pacific Gas and Electric Company board?

Heyman: Yes. PG&E for a long time has been led by graduates of Berkeley. So it seemed sensible to have a present chancellor as a board member. It cemented relationships and brought breadth to the organization.

I discussed the offer with David Gardner and we concluded that there was nothing improper in such service. It was surely valuable for me. I learned a lot about senior management in large enterprises. The utilities industry then was highly regulated and therefore was somewhat like a public corporation or agency. Thus a lot of the lessons benefited me both at Cal and at the Smithsonian.

Nathan: And there's no concern about possible conflicts of interest or other objections?

Heyman: One of my colleagues at the law school thought it was absolutely horrendous. That was Steve Barnett, the same fellow who later took me on concerning the affirmative action processes in admission.

Nathan: Thought you were being co-opted, or something?

Heyman: Yes. As I recall he argued that because the university was a customer of PG&E, I might take action inimical to the campus and that my position would chill inquiry by students and faculty who found fault with large corporations. I never took the second objection seriously. How could a chancellor at Berkeley meaningfully object to research interests given the panoply of protections of academic freedom? And the first was more of a problem for PG&E. My primary loyalties were always with the university. You know, it's not unusual for university presidents to be on lots of corporate boards. I restricted myself to one because of time considerations. It also was another basis of compensation which was useful.

Nathan: Very interesting, great. A series of short subjects. We have a note on Yenching--Yenching University, I presume?

Heyman: No, Yenching is a Chinese restaurant.

Nathan: I love it. I thought you were overseas.

Heyman: No, that reference is to the Yenching Restaurant in Berkeley. I got them great publicity one time. The *Oakland Tribune* periodically interviewed some celebrities, and they chose me at one point. One of the questions was, "What's your favorite restaurant?" And I said, "Yenching," and apparently this produced a lot of customers.

We used to eat there often. But now the owners have left and took my loyalty with them. Before that we had some wonderful parties upstairs in the Yenching. That was where James and Lisa had their pre-wedding dinner. It was grand. That's also where Al Bowker had a memorial dinner when Rose died. And we went to a number of departmental events, especially ones honoring visiting Asian scholars.

Nathan: Well, certainly in the downstairs, you could see entire office staffs occupying many of the tables.

Heyman: That's right.

The Oakland A's

Nathan: Very interesting place.

Are you interested in commenting on the A's opening games?

Heyman: These were always fun. Walter Haas, Jr., who then owned the team, used to invite a group of us from Cal to those games. I remember sitting next to Joe DiMaggio at one of them and in the whole course of the game, he spoke maybe five words. [laughs] And those were probably yesses or nos. He's not a very talkative man.

Nathan: He speaks with his bat?

Heyman: That's right. By the way, if I didn't emphasize adequately before, the Haas family, and for this purpose I include Richard Goldman, have devoted their love, efforts, and resources to Berkeley. Their support has been very important.

From Lowie to Hearst

Nathan: Anything about the change of the name from the Lowie to the Hearst Museum?

Heyman: This occurred after I was chancellor and reflected a million-dollar gift from the Hearst Foundation to the Lowie Museum. There were few objections. After all, a good portion of the contents of the museum came from Mrs. Hearst. I believe that such namings are appropriate if exhibited tastefully. It's the quid pro quo. What has to be guarded zealously is university control over programs. Money without strings, why not?

The 1989 Earthquake

Nathan: And there's an item here about the big quake.

Heyman: Following the 1989 quake, the major thing that I did that infuriated many was to refuse to cancel classes the next day. [laughs] I still am a little surprised at the reaction. I thought the way to cope with adversity was to go forward with your program, not desist. I'm not sorry about my decision, but I am sorry that a number thought it insensitive.

Nathan: Interesting.

Heyman: Yes. We did a fast survey of buildings and once we determined that they were safe, I didn't see any justification for cancellation. In fact, if you really think about it, what could be more reassuring to parents and others than the university is carrying on its normal operations?

More on Key Personnel--Olly Wilson

Nathan: Did you want to say anything about Olly Wilson?

Heyman: Olly Wilson is a music professor and noted composer. He has been the guiding light of the Young Musicians Program of which I spoke. He has been chair of the music department a number of times.

Olly is a wonderful man. He and I became close friends. In 1983, the Wilsons, the Heymans, and one other couple visited China for three weeks together. We got to know and enjoy each other very well and the friendships have persisted.

Olly helped me twice at California Hall. The first time was in the seventies when he served as the faculty assistant for affirmative action. He did a great job. He saw himself as the loyal opposition to departmental inertia to mount aggressive searches, and he played the role exceedingly well. He was very instrumental in getting us moving on recruiting minority faculty members.

And then when I was chancellor, I asked Olly to orchestrate the creation of an umbrella organization in international affairs to be administered by a new dean. He accomplished this very successfully in a non-threatening and low-key way. It was not an easy task to centralize previously disparate units.

Ed Epstein, then the head of the Academic Senate, was very helpful. He organized the senate committee to respond to proposals rapidly and jointly, rather than successively. And the senate held a few public sessions to assure all with interest opportunity to participate. But Olly's work was crucial.

Nathan: That's the present structure that you now have?

Heyman: That the campus has, that's right.

More on Relevant People and Organizations Outside the University

Nathan: You have mentioned various politicians. Do you want to talk about them?

Heyman: Sure. We talked before about efforts I had made representing the university in Sacramento during David Saxon's time as president. In part, it was because Berkeley had special issues. But it was also because I enjoyed the activity and was adept at it. Obviously I got to know a number of legislators and others. One was Bob Campbell, an assemblyman from Contra Costa County, who inherited the chairmanship of the Assembly Appropriations Subcommittee on Higher Education when John Vasconcellos, his predecessor, became chairman of the whole Appropriations Committee. Bob was intensely interested in the university, especially Berkeley. He echoed a number of John's concerns about the time devoted by faculty to research and not undergraduate teaching. He also was very sensitive to the concerns of the animal rights spokesmen. I tried to be

responsive to all of his concerns and in the course of a few years he and I became good friends and worked together cooperatively. Bob ended up as a thoughtful friend of the university who generally supported its requests.

I knew Assemblyman from Oakland Elihu Harris some in Sacramento, but then I got to know him well when he became mayor of Oakland. He asked me to co-chair a committee reevaluating the redevelopment plans for downtown Oakland, which I did. I also did some other chores at his request. Elihu has the best sense of humor of anyone I've ever met in politics.

I've been close to Tom Bates for quite a long time. He is a Cal graduate and represented Berkeley in the assembly for a number of years until term limits forced him out. Tom is a fine man who supported the university in most instances, although occasionally his very liberal agenda conflicted. But even then Tom sought to find a solution. I found it quite easy to seek his support in Sacramento when I had crucial issues.

[15A]

Heyman: I knew Tom Hayden slightly before he entered the legislature. This was after his most radical SDS days. I don't know how we first met, but I remember some long conversations with him in California Hall when I was both the vice chancellor and chancellor discussing higher education in California.

Tom has often criticized the university, but he has never been critical of me. In fact, he greatly respected the way that I handled the Asian American admissions controversy in a hearing before his senate committee at which I said, "Look, I think that we erred. I don't think that we erred substantively, but we surely failed to speak openly with the Asian American community so that they could understand how our process functioned. I really apologize for that." Tom lauded my statement. He was not used to people in government or the university ever saying they were sorry about anything.

I occasionally apologize for errors made. I'm not one who never complains and never explains. Unlike some others.

Tom and I continue to see each other occasionally in Washington when he comes through.

John Vasconcellos is a favorite of many, including me, despite how hard a time he gave the university as chair of the appropriations subcommittee. I attended and testified at a lot of subcommittee hearings. Over time, we grew on each other, and it became apparent to me that John, while often critical, is a great supporter of the university. His support was critical in tough times.

Al Alquist, one of the senators from Santa Clara County, did a lot for the university during the time that I was vice chancellor and chancellor. He was a very powerful senator. I remember well how important his help was in our confrontations in Sacramento with the proponents of animal rights. His decisive leadership on the Senate Appropriations Committee assured us state funding for the biology facilities.

Nathan: As I'm sure you know, he was very instrumental in seismic safety.

Heyman: Yes.

Nathan: Did that relate to the university particularly?

Heyman: Yes, but I wasn't involved. Surely, however, the Alquist-Priolo bill on earthquake regulation affected the university.

Another senator of importance to the university with whom I became good friends is Nick Petris from Alameda County. He is a Berkeley loyalist. He helped in a private capacity enormously with our dig at Nemea in Greece. And he has been a stalwart in the senate.

I also want to include John Garamendi, another enormously loyal old Blue. I got to know him well early in my chancellorship, and our friendship continues in Washington where he's now the deputy undersecretary of Interior. He and his wife Patti continue to send their children to Cal. When in the senate, John expressed his support for the university repetitively as chair or senior senator on the budget conference committee. The support was crucial.

Interestingly, both John and Tom Bates were football players at Berkeley.

Talking about these folks reminds me that I always enjoyed Sacramento and I like the interactions with politicians in Congress as well. The Congress, however, is much more complex than Sacramento, given its size and the number of staffers, many of whom believe they are the legislator. Despite general convictions to the contrary, I found most legislators principled people who believe that they're doing important work and seek to operate in a straightforward and honest way. Of course politics intrudes and compromises need to be made. But I can't think of a complex governance system that can function sensibly otherwise.

Nathan: In your new life now, do you have occasion to go to Congress to testify?

Heyman: At least four times a year, if not more. I testify before our authorizing committees and appropriation committees in both houses annually and normally before one or two committees investigating particular topics.

Nathan: One thing must have toughened you up for the other?

Heyman: The experience certainly is cumulative.

Nathan: Sure. Let's see, anything about Stiles Hall?

Heyman: I've always appreciated Stiles Hall.

Nathan: That's the YMCA?

Heyman: Yes, the YMCA on Bancroft Way. John Martin has run it for a long time. I've rarely participated directly in its programs, but I give them money and appreciate the opportunities they provide for a number of our students to work with underprivileged communities.

Nathan: Let's see, you haven't spoken about the AAU. What does it mean?

Heyman: That's the American Association of Universities. That's the professional association for the elite research universities.

Nathan: As a member of the elite, how was it for you?

Heyman: Well, it can be an effective representative in Washington for research universities and a place for peers to become acquainted and discuss mutual concerns. AAU does a lot of lobbying for increased federal appropriations for university research. It's especially sensitive to legislative and administrative regulations that affect its members. It has a good staff.

Discussion is organized around current topics of concern which can be informative. But these also provide modest opportunities for competition for status within the group. Thus they share some of the trying aspects of academic meetings. In general, however, they are useful and enjoyable. The membership (presidents and chancellors of the sixty or so member institutions) meet twice a year--once in Washington and once at the campus of that year's president.

A social highlight is dinner on Sunday of the first night of the Washington meeting. Past members in the vicinity are invited. So I have been going although one gets out of date rapidly given how often university presidents change.

Nathan: You like to keep your connections?

Heyman: Yes.

Various Berkeley Institutions: Women's Intercollegiate Athletics

Nathan: Well, we can get back to a little bit of athletics with the ICA and Lou Lilly?

Heyman: Lou [Luella] Lilly, of course, was Director of Women's Intercollegiate Athletics. We resisted for a long time integrating athletics on this campus.

Nathan: Integrating?

Heyman: Integrating men's and women's athletics into a single organization. Lou Lilly was against it for two reasons. First, she didn't want to report to the director of Men's Athletics. She and David Maggard had problems relating to one another and this reinforced her resolve.

Second, Lou resisted having women's intercollegiate athletics caught up in the same madness as men's intercollegiate athletics and believed that a separate organization for women would buffer it from those pressures. I don't know if her idea would have worked, but thereafter national merges through the NCAA occurred and women's intercollegiate athletics have gone the way of men's intercollegiate athletics, with similar

hype and emphasis, at least in basketball. Far be it from me any more to judge the propriety of that change.

In any event, I thought that Lou ran a good department. But she was swept away when integration came on this campus. That was during Chang-Lin's time. Lou came to me for some advice when she was fired. I was somewhat helpful to her in suggesting arrangements to settle her controversy with the university over compensation.

Nathan: Did you feel that she had any particular accomplishments during her tenure?

Heyman: Well, I think she ran the department well. She had competitive teams. The academic records of her athletes were appreciably better than the men's. And I think she really did shield the women's programs from many of the intensities that surround the men's. And it was a tough program to administer. We had insufficient facilities. There were always tussles between the men's and women's basketball coaches for access to Harmon Gym for practices. Bad feelings arose when we moved women's softball from the Hearst field because of its inadequate size to Strawberry, which had been used for football practice. And clearly she had to run her program much more cheaply than the men's program.

The Miller Institute

Nathan: What about the Miller Institute?

Heyman: The institute is supported by a trust that was set up to enable release time for Berkeley faculty to do research projects, and to bring scholars from elsewhere for the same purposes. A considerable sum is available annually, and the Miller board, chaired by the chancellor, makes the annual appropriations in response to applications.

Nathan: What does the Miller Institute focus on?

Heyman: Making deserved grants.

Nathan: [laughs] Not in any special field?

Heyman: No, in all fields, but most of it goes to science with occasional grants in the social sciences and humanities. It's a wonderful program for the campus for three reasons. The portion devoted to others than Berkeley faculty is divided with part to distinguished scholars with whom Berkeley faculty want to interact and the balance to young, promising scholars. In both regards a Miller can be crucial for recruiting. The other portion, of course, can be critical for Berkeley faculty's research productivity.

Nathan: We might just move along, if you would like to.

Awards for Aquino and Tutu

Heyman: The chancellor often gives the Berkeley Medal to visiting dignitaries. It's in the nature of an honorary degree. The medal was financed by a supportive alumnus, Jerry Chambers, who replaced the bells in the Campanile. I bestowed it on many--Mitterand, King Birenda of Nepal, and King Juan Carlos, to mention three. Two of those occasions I remember best. Both were in the Greek Theatre. One involved Mrs. Aquino of the Philippines, the other Bishop [Desmond] Tutu. In both instances the crowds numbered well over 10,000.

The Aquino affair was gripping. Here was this modest woman who symbolized the overthrow of a dictator by peaceful means. There was great drama--this was her first trip to the United States immediately following her assumption of office. It was both celebratory and serious. But it took on a bit of lightness when I gave her the Berkeley Medal, and the ribbon got caught in her eyeglasses. We both roared with laughter. An alert photographer caught the moment. I love that picture.

The event with Bishop Tutu lacked a humorous counterpoint but it too was a similar affair on a beautiful day in the Greek Theatre. What an absolutely perfect place for these enormous ceremonial speeches and ceremonies. The bishop, of course, was in the forefront of the anti-apartheid movement in South Africa and the divestment controversy was in the air at Berkeley.

Graduation: Separate or Centralized?

Heyman: Some people asked me when I was chancellor to reinstitute a central graduation. They had been given up in the sixties when attendance was very low. I refused. I thought it would diminish the prominence of the separate graduations. I participated in many when I was chancellor. They were typically very successful. Both well attended and very intimate. They kept expanding in scope. For instance, the College of Environmental Design could no longer fit in the Wurster courtyard, so they had to go to the Greek Theatre. And they filled quite a bit of the stands there. The law school also goes to the Greek Theatre now, and it fills the whole place. Increased attendance reflects the times and the fact that many of our students are the first in their large, extended families to graduate from college and their family and friends come to celebrate.

Nathan: Oddly enough, it sounds a lot like outreach?

Heyman: Well, it is. Who knows how many of those Hispanic and African American youngsters who are out in the audience watching their older sibling or aunt or uncle being graduated are going to be inspired.

Nathan: Fascinating.

Heyman: It is.

Some Personal Awards and Honors

- Nathan: In addition to getting the Berkeley Medal caught up in Corazon Aquino's glasses, are there any of your own awards that you'd like to talk about? This is not boasting, this is for the record.
- Heyman: Yes, there must be, but I can't think of them. I have some on my vita.
- Nathan: Yes, we can use that. Wheeler Award for Berkeley, Community Foundation Award--
- Heyman: This is an award for people important to the City of Berkeley. I was very pleased to be considered. As I indicated before, I have always thought that a positive relationship between the city and university is very important. I obviously took that seriously when I was chancellor.
- Nathan: You sort of defused the town and gown hostility?
- Heyman: I think so. It's amazing how--to use the word you just used--defusing-- is based on the appearance of humility rather than arrogance.
- Nathan: We don't like arrogance?
- Heyman: Most of us react hostilely to arrogance. I think the university creates significant problems for itself in the legislatures and such because we are too often perceived to be arrogant. Whether we are or not is another issue. It's the perception that so often counts.
- Nathan: We know better?
- Heyman: We know better, we're centrally important, and you people don't know what you're doing. And how could you not love us, and revere us, and give us all your money?
- Nathan: As you mentioned, you do plan to come back to Berkeley to live. Right?
- Heyman: Yes.
- Nathan: So you will probably have connections with Berkeley for a long time. What do you hope for the future?
- Heyman: Well, before I tell you that, back to medals.
- Nathan: Good.
- Heyman: The medal that I especially appreciated receiving was the Kerr Medal, awarded by the Berkeley Academic Senate to someone worthy in higher education. It followed my term as chancellor. Budd Cheit chaired the committee which made the nomination.
- Nathan: Yes. And was there another one?
- Heyman: Well, there are a few honorary degrees and the like, but let's leave those to another time.

Building a Sense of Community

Nathan: I take it that this mending of relationships between the campus and the city were important. Were there other bridges or other connections that you took pleasure in developing?

Heyman: I can think of four kinds of connections that were specially important: with minority communities, with alumni, with potential donors, and with other educational institutions.

I spent a good deal of time with minority organizations within and outside the campus. My major aim was to communicate our needs for their participation and our desire to have them see Cal as belonging to them as well as to whites.

Alumni are the family of the institutions. It's important in myriads of ways to be surrounded by Californians who deeply support the university. The benefits can be financial, political, and for the chancellor, especially, psychological.

Donors and alumni overlap. But there are other donors, and familiarity with leaders of foundations is very important.

I already talked about my activities with community college presidents and high school principals. The benefits are manyfold.

Nathan: Someone observed that at one time, almost all the leaders in California were graduates of the University of California, and of course, that isn't so any more?

Heyman: That's right.

Nathan: Of necessity, other places are educating.

Heyman: Right. Yes, it's too bad. At one time many members of the legislature had gone to Berkeley or other campuses [University of California system]. Now, graduates of the state university [California State University system] predominate.

Extracurricular Activities for Binding Groups

Nathan: Is there any particular way that you seek to keep the loyalties here so that they are a lifetime commitment?

Heyman: Well, you have to have things for people to do. Membership in alumni clubs is a good connection. So is annual giving. A regular and attractive publication for alumni helps immensely. And then for some, winning teams are the answer. For many, faculty honors, Nobel Prizes and the like, reinforce the connection.

Nathan: Is there any way that the university can somehow bring together, let's say, African Americans and Korean students? There was that period of clash, which actually took place off campus, but I wonder whether that is reflected here?

Heyman: Well, as I was leaving the job, a lot of interesting observations were being made about self-segregation, the distances between racial groups on this and other campuses, and ways of trying to bridge these. We had some conferences here, there were similar ones elsewhere, and a number of reports. The best idea that I saw is identification of extracurricular activities as the venue of the greatest interaction. So those are very important. People come together around shared interests and friendships blossom. I don't know what's happened since I stepped down, but it seemed to me that support of extracurricular opportunities might have great payoff.

Nathan: I see. I'm wondering whether, as more students have to earn their way, and there are other drains on their time, does that take away from activities?

Heyman: Sure. It's a counterforce, unless their workplaces are integrated. And we can work on that in the case of university jobs.

Significance of Resources

Nathan: What do you think will be some of the harder problems that Berkeley will have to address?

Heyman: Well, I don't see anything new on the horizon except the potential pervasiveness of information technology. Basically, however, the perennial issue is resources, resources, resources. We're in a world of tough competition. We vie with the private elites--Stanford, Harvard, Princeton, Yale and the like. Their endowments are growing immensely. We went through tough financial times in much of the nineties. To maintain our position we must maintain a superlative faculty. This requires incentives in salary and facilities and they are expensive. But a renowned faculty is crucial in recruiting distinguished graduate students. Our reputation is largely based on research and graduate education.

In the end, actually, the reputation of the university is also what attracts first-rate undergraduate students. As long as we continue our status as a leading university, we'll do well in terms of undergraduates even without the amenities offered by our private school competitors. The best graduate students, however, also require competitive financial aid packages. We do fairly well in the sciences in this regard, but we are lagging in the social sciences and humanities.

Endowments help immensely in this regard. I presume that a good portion of the money that's being sought in the present capital campaign is endowment, the income from which can be used to ameliorate these concerns.

Nathan: Do chairs help?

Heyman: Yes, the whole purpose for professional chairs was to provide support surrounding a professorial position to enhance its attractiveness. Our competitive advantage here is that the sum necessary to raise for each chair need not reflect ordinary salary which continues to be a state obligation.

[15B]

Nathan: We're thinking at the moment of your time on the campus as chancellor. You were engaged in almost ceaseless activity. At this point, do you ever take the time to think about that whole experience?

Heyman: I've given very little thought to it. I keep saying that at some point I will try some memoirs, but I don't know if I ever will. It's a lot easier if you've kept a journal, and I haven't. Perhaps this oral history will function as a memoir.

My biggest problem in this regard is that right after I left the chancellorship, I took on Bay Vision 2020 and I began teaching again. Soon thereafter my son was diagnosed with AIDS and I obviously devoted my time and emotion being with him. And then I went to Washington for successive jobs full of responsibility. So I haven't had much chance for reflection. I just wish I had more of a systematic, written record upon which I could reflect.

When I return to Berkeley again I will unpack all the materials I've stuffed in boxes. Perhaps it will be meaningful. I have boxes all over the place. At home, in California Hall, and at the law school.

Nathan: Don't throw it away.

Attractions of the Performing Arts, Museums

Nathan: We did mention how extracurricular activities are vital in bringing students together. Would you like to say anything about Cal Performances or the arts on the campus?

Heyman: Yes. I think we have really good programs. In Cal Performances, for instance, we've done a good job balancing sophisticated academic offerings with programs that attract fuller attendance. One of the most vexing problems is that the cost of production has gone up, especially for dance. This accounts for the rise in ticket prices, which while quite reasonable in relationship to the commercial market tend to be very heavy for students. We subsidize them as much as possible, but Cal Performances has to be self-sustaining.

I really like theater and music here, even though our departments are not performance-oriented. We study mainly theory, history, and criticism. Almost all the performance by our students is largely extracurricular. Nevertheless, there's good talent, enthusiasm, and appreciative audiences. I regularly attended noon concerts at Hertz Hall, for instance, and enjoyed them thoroughly.

Nathan: Exactly. So those are more or less amateur performers?

Heyman: Yes. In addition, the University Art Museum is a very interesting place. Its financial problems have been ameliorated somewhat by an active board and the new director, Jacquelynn Baas, is excellent in so many regards. I am told that student involvement and attendance is on the upswing as is visitorship in general.

The campus has a number of museums. These include the University Herbarium, the Botanical Garden, the Museum of Paleontology, the Museum of Vertebrate Zoology, the Hearst Museum of Anthropology and the Lawrence Hall of Science, in addition to the Art Museum. I was well prepared for the Smithsonian.

We also have the splendid performance center in Zellerbach Hall. That reminds me that the other day I saw Gregory Peck. He's eighty-one years old and still very sharp. He had come to an exhibit at the National Portrait Gallery called Red, Hot, and Blue, which is a wonderful history of the American musical theater. And he loved it; he and his wife stayed for about two hours. I could only stay for a little while.

Nathan: This was in Washington?

Heyman: Yes, at the Smithsonian. Peck was reflecting with me on the opening of Zellerbach Hall which he attended at the invitation of Roger Heyns. There was a big demonstration at the opening against having the building named for Zellerbach, allegedly a despoiler of the environment. Peck was describing Roger Heyns with his head against the wall, frustrated by what was going on. It should have been a moment of great triumph on the Berkeley campus, not a moment of conflict. Peck remembered all of that in such detail.

Nathan: Well, I think he was in our '39 class. His name was Eldred Peck at that time. [laughter] How wonderful, though, that he still remembered that image.

Heyman: Yes. Well, when I was chancellor, he came for about four days and taught a number of classes, gave lectures, and met with student groups. What a magnetic person. I remember a modest reception for him at University House. Therese recalls a group formed around Peck, with no one willing to give up their spot. It wasn't until he left that anybody had a drink or ate any hors d'oeuvres. He was amazing.

Nathan: So we have museums, and we have athletics, and we have a wonderful library.

Heyman: Yes. We have quite a lot for which to be grateful.

Looking Homeward

Nathan: Yes. Well, it will be a treat when you can be back here full-time.

Heyman: I'm going to have an office at the law school.

Nathan: Are you attracted to going back to your professorship and teaching?

Heyman: I want to teach at least one course for one semester a year.

Nathan: Perfect. Now, will this be in city and regional planning law?

Heyman: No, it's going to be property law at the law school. I will have come full circle.

Nathan: All right.

Heyman: And if Bob Twiss, or someone else in environmental design wants to teach with me, I'll probably end up doing something in city planning, too.

Nathan: Well, it's a good thing to look forward to.

XIV. SOME COMMENTS EXPANDED, REVISITED

Socratic Teaching and Administrative Style

[Interview 9: August 11, 1997] ## [16A]

Nathan: We have pretty much covered through the Smithsonian. And since you are being interviewed primarily as the chancellor, I went back to the University of California part to see if you would like to say more on some of these items.

Heyman: Fine.

Nathan: And select what you want to talk about.

Heyman: I'm going to look back.

Nathan: That's fine.

Heyman: Early on, your question was, "Did your work at Interior and the Smithsonian draw on your teaching experience and style?" I believe that being a good teacher helps one in convincing people to adopt your viewpoint and do what you think is right. Consequently, I think that my teaching skills have been helpful to me in leadership roles. That was true at Berkeley, at Interior, and now at the Smithsonian.

Nathan: Is part of the Smithsonian's message to try to be instructive?

Heyman: At base the Smithsonian is all about increase and diffusion of knowledge--an educational institution devoted to research and teaching centered on material things. Part of my job as secretary was to try to assure that our exhibitions explored the complexities underlying controversies. I find that posing questions, hopefully in a supportive way, having people grapple with answers and thus stimulating further exploration of subject matter--is a productive way to orchestrate consensus.

Nathan: So you usually have a goal in mind, something on which you wish to have consensus?

Heyman: I'm not quite as manipulative as that, but often that is true. [laughter]

Tenure and Freedom

Nathan: Let's see, this is from the other sheet. "What things might you have been careful about doing if you did not have tenure?" You mentioned that you achieved tenure very quickly after you first came in 1959.

Heyman: Your query has to do with a comment I made, where I said that having tenure permits you to do a lot of things that you otherwise might have been careful about doing. Primarily, tenure allowed me to consult broadly with local and regional governments about actual land-use controversies without worries that colleagues would question the appropriateness of such activity. My first consultation was with the Bay Conservation and Development Commission.

My hesitations turned out to be unwarranted. Boalt welcomed thoughtful work of this kind, in addition to teaching. For the first few years I worried that the only things that counted as scholarship were conventional *Law Review* articles, consisting of deep explorations and logical analysis of cases and statutory material. I did two, as "tenure" pieces, but my heart was elsewhere.

My bent, as it became clear later, was to write such articles from time to time, but to concern myself more with real-life situations. I would work several years with an agency or with a real-life problem and then extract the insights that I gained during those experiences. I wasn't sure at the outset that this was an acceptable way to proceed at Boalt. Getting tenure freed me from worries, but then it turned out my way was perfectly acceptable professional behavior.

In addition, of course, getting tenure meant that you had found your permanent home. And I had no doubt about my desire to stay at Berkeley.

Nathan: I do understand. Of course, your work then--you were, of course, in a professional school.

Heyman: That's correct.

Changes in the Tahoe Area

Nathan: And it did connect you in some ways with real-life controversies and issues. Did this have anything to do with your later plans to--I guess it was in the Tahoe study--have your students take part in some of the investigations and to bring information in? Was there any connection?

Heyman: I hadn't thought about it at the outset. Later, it became evident to me that having students work with me at Tahoe also provided a wonderful educational experience for them. What we were doing, essentially, was preparing land-use ordinances. Some of them involved constitutional problem areas, such as taking law. So conventional legal research was relevant.

But a lot of what they learned was how to be careful draftsmen, how to write with precision and care, not only as a lawyer skill, but as a way to stretch one's thinking capacities, as any author will tell us.

Nathan: Exactly. Do you feel like saying anything more at this time about the situation at Tahoe and the recent interest, the publicity that the president's pronouncements have started?

Heyman: Well, I'm glad that the national government, and the president and the vice president most specifically, are paying attention to Tahoe. The major federal undertaking that has been mentioned is a \$50 million appropriation to buy land where no development is to be permitted.

The basic aim at Tahoe is to keep the waters of the lake pristine, as they have been since its formation ages ago. The lake has remained so clear because the water that reaches it hasn't gone over much ground and thus has not picked up nutrients. The area that produces runoff from snowstorms and rainstorms is small in relationship to the size of the lake.

The problem presently is that each time there's development, especially in the more fragile areas, more soil reaches the lake. And the only way to protect against that is not to disturb the soil. In the end, the only way really to do that, for at least quite a bit of the fragile land, is to put it into public ownership.

The other problem I gather, although it was not conceived of as a problem when I was doing my work, is that the nitrogen in the exhaust of automobiles is precipitating into the lake. And nitrogen, of course, is a fertilizer, and is responsible in part for algae formations. So it's a combination, apparently, of the two.

I think it's a very hard nut to crack, because even if there wasn't any further development at the lake, it's going to be difficult to transport people there other than by automobile. The attractions on the Nevada side, skiing and gambling, generate a lot of traffic.

In retrospect, though, if we hadn't done the work we did in the late sixties and early seventies, the lake and the surrounding area would now be an awful mess. Clearly they are not that.

Nathan: Do you think that an extensive shuttle system might help? One hears various suggestions.

Heyman: I think it's very difficult to get people out of their cars. The inducement has to be considerable. And the associated expenses would be immense. It's probably better to work on emission controls of various sorts.

To switch the geographic locale, there's a plan afoot at Yosemite to build a parking lot for about 2,000 or more cars at the west end of Yosemite Valley, so that day trippers can park

there and then take free buses around the park. That will help some. But still, campers and hotel guests will be driving through the valley.

Nathan: Thinking again of Tahoe, some of the issues are very familiar, aren't they?

Heyman: Yes. They really are. We need another oil shortage.

Nathan: [laughter] Sounds like a plot.

This continues on to the third point. As a consultant to the Tahoe Regional Planning Commission, you wrote a report. Is there anything more that you would care to say about that?

Heyman: Well, actually what I wrote were the ordinances, the laws, that were enacted by the Tahoe Regional Planning Agency. I didn't write many reports. I essentially drafted the laws, and then lobbied the agency to adopt them. I spent a lot of time, actually, socializing with agency members, seeking to explain to them why the ordinances being presented made sense.

Nathan: That's the natural progression, I guess.

Heyman: Yes.

Nathan: Thank you.

Policy-Oriented versus Problem-Oriented

Nathan: The next topic has to do with the interdisciplinary approach in professional schools. You speak of problem-oriented people who can work with policy-oriented people. I'm wondering whether this sort of combination would work in a governmental agency like Interior, or a semi-governmental entity like the Smithsonian, where you really identify problem-oriented and policy-oriented people. Do you have that sort of situation?

Heyman: Well, it certainly was true in Interior. One worked with the Solicitor's Office devising solutions to problems that were not only sensible from a variety of policy perspectives, but also would work legally. And to some extent that's true at the Smithsonian, although the Smithsonian is generally more scientifically- and technically-oriented. Perhaps the greatest interaction occurs between researchers (highly technical folk like astrophysicists), curators (especially in the arts), and exhibitors and education specialists.

Smithsonian Traveling Exhibition

Nathan: I see. Speaking of the Smithsonian, I gather you were in San Jose for the opening of the traveling show?

Heyman: I was.

Nathan: How did that go? What did you think?

Heyman: Well, it went fine. We had about 700 people there at a big gala. We've had a gala the night before the opening in each of the locations, it's a festive way to begin the exhibition and we raise a little money. The gala at San Jose was very attractive. We had many people from Silicon Valley, which was important to us. Intel has been a big supporter of this exhibition, and it rallied the troops. I gather from the newspaper, however, that not as many people as expected are attending the exhibit. The summer is not the easiest time to attract visitors to extravaganzas of that sort, as many are away. But I'm sure that we'll make the target of 300,000 attendees.

Nathan: How many of these openings have there been?

Heyman: This is the ninth one, and we've had a little over two and a half million visitors to date.

Nathan: And there are more to come?

Heyman: Maybe one or two more. It's possible that a variant of this exhibition will go overseas. But we're pretty much at the end of the tour around the United States.

Nathan: What an effort.

Heyman: Enormous.

Nathan: Sounds like it. Well, the total of the people attending is really impressive.

UC Academic Senate, Committees, and Tradition

Nathan: There's a remark that you made earlier with respect to the Academic Senate Policy Committee. If I have this right, "the role of the senate is to stand between the establishment and the students." And the establishment, would that be the administration and the regents?

Heyman: That was very specific to the time of the Free Speech Movement. The Academic Senate has two major roles in my view. One is to sustain valuable academic traditions--to be conservative, but not stifling--about change. Two examples of this during my tenure involved the American cultures graduation requirement and the reorganization of the administrative structure for carrying on internationally-oriented teaching and research programs. In both instances, the senate was deeply involved and the changes that occurred were more moderate than the proposals sounded. Often, the faculty's view defends institutional values even though its position disadvantages individual faculty members. For instance, it was the faculty, more than the administration, that fought for maintaining a retirement age. One would have thought it would be the other way around, but the collective view of the faculty was that departmental renewal required forced retirement.

The second role is to provide a mechanism for some very intelligent people to focus on noteworthy institutional matters. This occurs mainly in senate committees.

Nathan: Right. Well, does this mean that there are three power centers: the president, the Academic Senate, and the regents?

Heyman: Yes, I think that's fair to say. The Academic Senate, the administration--which is the president, chancellors, deans, et cetera--and the regents, although the regents and the administration in my time were a lot closer than they seem to be presently. And let's not forget the students, because the students can exercise some real power both politically and in a host of ways that they don't even think about. Students vote a lot with their feet. Evaluation of faculty members depends in many ways on whether they can engage and attract students to their classes.

Nathan: This is very useful. I might ask about one particularly powerful committee, which of course is the Budget Committee, and whether indeed the Budget Committee at times becomes somewhat of a problem for the chancellor.

Heyman: I talked at some length previously about the Budget Committee and I have little to add here. I had few problems as chancellor. But there was one structural problem that concerned me which I touched on before. Occasionally, the committee, in my view, paid less attention to the qualifications of a candidate than to the plans, activities, or quality of the candidate's department. There were occasions, very few in number, where a tenure recommendation from a department or school was rejected by the committee and I suspected that the basis was primarily frustration with the behavior of the department or school on matters irrelevant to the candidate. The committee cannot authoritatively direct a department what to do, it can only seek to do so indirectly through the judgment made in an individual personnel case. I thought on occasion that individuals were being treated unfairly in such an interchange between the Budget Committee and the department and I intervened. This rarely occurred and did not diminish my respect for the committee and its role in maintaining faculty quality.

[16B]

Heyman: I'd add one more observation. A good relationship with the Budget Committee gives the chancellor a wonderful opportunity to talk through general campus problems with knowledgeable, sensible, informed and intelligent faculty members in a relaxed and confidential setting.

Nathan: Were there other people to whom you would turn for advice?

Heyman: Yes. Of course there were insiders, but among others outside there were some people on whom I relied. I think of Preble Stolz, Neil Smelser, Sandy Kadish, and Charlie Townes as examples.

Nathan: Regarding teaching environment-related law, did you see yourself primarily as a lawyer or an environmentalist, or did you feel you needed to choose?

Heyman: I was quite environmentally oriented. I still am, but in a more mature way. After I became chancellor I joked that there's no better way to bring balance to an

environmentalist than giving him the responsibility of running an institution that needed new buildings, thus casting him in the role of developer. We did a lot of building while I was chancellor. And we adopted a new master plan. We built or started all the new biology buildings and the engineering additions. We planned the chemistry building and the business school. We constructed student housing, not only at the Blind and Deaf School site, but also on the north side and on Shattuck Avenue. A number of environmentalists were not pleased with what they viewed as unwise expansion of the Berkeley campus.

UC Land Use and Building Plans, and City Negotiations

Nathan: You must have had some interesting negotiations with the City of Berkeley?

Heyman: Oh, yes. As I talked about before, negotiations largely concerned land issues and taxation. The other things really were minor. The city, very understandably, wanted to get an in lieu tax from the campus, and the university system was negative, fearing the establishment of a huge potential liability.

I did make the point once to the systemwide administration that Berkeley was different from the other campuses. At UCLA or San Diego, for instance, the campuses were small entities compared to the surrounding taxable properties. In San Francisco, that's true also. But in Berkeley, because the university is so dominating and generates appreciable municipal costs, it is arguably specially unfair to refuse local tax liability.

These considerations undergirded an agreement that the mayor and I concocted.

Nathan: Is this Loni Hancock?

Heyman: Yes. The agreement was to pay some in lieu fees for police expenses generated by new student residences located off campus and not serviced by university police. Systemwide accepted that arrangement.

Other issues involved land use. And of course, we had People's Park, always a constant thorn. Loni and I had a luncheon picnic up in the Botanical Garden, and reached a tentative agreement on People's Park and aspects of our long range development plan. She got the agreement ratified by the city, and I got it accepted (albeit reluctantly) by the regents. Of course, serious structural problems are never settled permanently. But there was "peace" for a while.

Housing on the Clark Kerr Campus

Nathan: Did you do some negotiating with the city as well about housing on what is now Clark Kerr campus? How did that work out? Can city of Berkeley people apply for housing on that campus?

Heyman: One of the developments on the Kerr campus, as you will recall, was housing for the elderly. The campus simply provided the land. Expenses are subsidized by federal sources. The project is run, I believe, by a nonprofit corporation. University-related elderly do not receive any preference. There is on that campus a bit of faculty and visitor housing, just east of the housing for the elderly, which is run by the campus housing office. The rest is all student housing.

We decided that the gymnasium and pool up on the northeast portion of the property could be used by community members for a fee.

As I stated before, there was a good deal of political controversy that surrounded our acquisition of the site. Neighbors raised an enormous fuss. There are people who I haven't talked to since. The objectors saw great complicity by the university in the move of the School for the Blind and the Deaf to Fremont--a conspiracy to allow us to acquire the property. Neighborhood opposition delayed university acquisition for many years which was too bad, because the delay generated appreciable costs due to deterioration while the property was unoccupied. Most of the pipes, for instance, were rusted out because they were never emptied. Thus the whole water delivery system had to be replaced. And there were a host of other problems, including appreciable vandalism. Some state agency, but not the university, was in charge of the site after the school moved to Fremont.

No agreement had been reached when I took over as chancellor. I was quite impatient and said, "Let's split the damn property between the city and the university and get on with redevelopment." The upshot was the elderly housing and the compromise on the gymnasium and pool. We then entered into a series of covenants and promises about how we would use the land which restricted further development for a fifty-year period. From my perspective this was the blink of an eyelash for the university. But it was an appreciable period of time for neighbors, most of whom did not conceive of themselves as fifty years hence. The end result was a good one, but the controversy had been extensive and prolonged.

The city council, of course, had been caught in the crossfire between the university and the neighborhood. But finally, with the aggressive support of Mayor Newport, the council was helpful.

Nathan: Did the neighbors have specific fears?

Heyman: Yes, they thought there was going to be a lot of noise. I don't think much more than that.

Nathan: Or traffic? That was not an issue particularly?

Heyman: I don't think so. Maybe parking. But one could take care of that quite easily. As far as traffic is concerned, most of it comes from Tunnel Road and doesn't have anything to do with the use of that property. No, I think that their imagery was based on their perception of the area north of Dwight near the stadium, where there are a lot of fraternity and sorority houses and a good deal of noise. I think that and parking was uppermost in their minds.

Nathan: That's very interesting.

- Heyman: It's interesting to see the misrepresentations that occur in these circumstances, such as the notion of complicity in the move of the Blind and Deaf School. The Blind and Deaf School moved because the superintendent was so offended during the FSM when tear gas floated up the hill that he decided he had to get his students relocated. And that's what happened.
- Nathan: Apparently, the relationships between the kids on that campus and the Berkeley High campus were remarkably good.
- Heyman: It could well have been. But the university wasn't at all involved with that.
- Nathan: Well, it had a happy ending; that's a very nice thing.
- Heyman: It is nice.

Smithsonian Issue: An African American Museum

- Nathan: You mentioned a proposal, if I have it right, for an African American museum in the Smithsonian. And then you mentioned your own aspirations, with respect to integration.
- Heyman: Well, my aspirations have not changed since I first started to think about this problem. I deeply believe in an integrated society, and thus having separate museums or departments is troubling to me. I don't want to rule them out; it might be the way station necessary to get to an integrated society. It might be the only way to develop a public intellectual and cultural history. It might be terribly important to self-esteem. But it goes counter to where I want us to end up, which is color not making a fundamental difference.
- Nathan: Right. I understand.
- Heyman: I don't want to rule it out, though, because of the often obdurate opposition of many whites to open up opportunities and acceptance. So maybe it's necessary. Really, I'm just of two minds about it.
- Nathan: I'm thinking of the Indian museum, which is certainly superb. It's beautiful.
- Heyman: This is the Smithsonian one?
- Nathan: Yes.
- Heyman: People always say to me, "If you have a National Museum of the American Indian, why aren't you doing the same for other ethnic minorities?" Arguably, we have different cases--with NMAI we are exploring the original inhabitants who occupied the country for thousands of years before the Europeans came. We're trying to preserve their artifacts and know something about their lives in the past and their present cultural vitality. We are dealing with people who retain significant legal autonomy and nationhood. Integration is not the primary thrust as in the case of other minorities. But I could argue a contrary vision also.

UC Professional Schools and Colleges versus Letters and Science

Nathan: You once alluded to two gargantuan jurisdictions, one which I interpreted to be letters and science. I don't know what the other one was.

Heyman: The two "gargantuan" jurisdictions were the collection of professional colleges and schools on the one hand, under George Maslach's jurisdiction, and letters and science on the other, which Rod Park headed. They're not gargantuan--they basically are two large aggregations.

Nathan: I like gargantuan.

Heyman: And I think I was vice chancellor when we're talking about this?

Nathan: I think so.

Heyman: Yes. As I suggested earlier, the form of organization made it difficult for me to affect what occurred in the academic program. The provosts were the chief operating officers, not me. So a question was, do I have a realistic role, other than refereeing between these aggregations and making marginal resource determinations?

To some extent I had a role with the educational development activity that arose out of the Muscatine report. Largely, this involved some programs and courses that would be for credit but did not have to be offered by traditional departments, and thus were outside of existing units in letters and science or particular professional colleges or schools. A Senate Committee of Educational Development (separate from the Educational Policy Committee and Committee on Courses) was established and could authorize such courses. My predecessor, Mark Christensen, had devoted a lot of time to those efforts. I devoted some also as well as working with the Committee on Educational Policy on a number of subjects--not the least on proposed substantial additions or subtractions of faculty positions from departments.

Health and Medical Sciences Group

Nathan: Earlier, there was a brief discussion on the Health and Medical Sciences Group and its implications. You mentioned that it's connected to finding mechanisms for students to learn and to do well. Do you want to say anything more about it? This group is still in operation. You mentioned that nobody wanted to have a medical school at Berkeley, but this was a slightly different approach. I wondered if you wanted to say anything.

Heyman: I said quite a lot previously, but I can add a bit. First, the primary program in HMS recruited medical students who on the whole were oriented to prevention rather than treatment (a public health school focus) and to public service, perhaps to a greater degree than those admitted directly at UCSF.

Secondly, it had to deal with two stereotypes: (1) the medical school's perception that Berkeley's demands were not strict enough and (2) Berkeley's perception that the medical school trains a bunch of narrow-minded people. Neither is true and this became evident to most after a while.

Third, the master's program track turned out to be a good way to educate a number of professionals (education, law, architecture, business and others) about health delivery systems, a pervading institution in our society and in which non-medical professionals have important roles.

Fourth, the students in the various subprograms in health and medical sciences were very enthusiastic and hardworking. A major reason was size: small programs tend to create lots of esprit, which was heightened by a perception of hostility of the more conventional medical establishment. I remember the observer (Teller?) who said that England would be a very productive country if it, like Israel, was surrounded by a hundred million hostile Arabs.

Fifth, given that the provosts had most of the academic responsibility on the campus, health and medical sciences provided the chancellor and the vice chancellor with a little bit of the action.

One final thought: Al Bowker was no different than anybody else in these jobs. He wanted to build something. His regime, if you'll recall, was faced with financial famine. It wasn't the drama of the eighties; it was a period of slow erosion and no growth. Al looked at the world of higher education and saw that important growth was largely limited to medical schools, so he saw HMS as presenting an opportunity for Berkeley to garner new resources and perhaps to build a medical school in a new way. This made a number of faculty members, like Fred Balderston, quite uneasy, because a medical school can be a substantial drain on a finite pot of money. The fear, of course, is rather than adding it will subtract from the resource base otherwise available to the campus.

Nathan: This has to do with consulting and deciding on priorities when you're really focusing on rescuing some part of the campus. You did speak about the dire circumstances of biology. But how do you in your own mind get to that point of choosing your top priority?

Heyman: Well, it's one thing to decide on what you want to do affirmatively. In my case, I came armed with an agenda that was informed by my six years as vice chancellor. As you will recall, it involved biology, affirmative action, fundraising, student housing and other facilities, and lower division curriculum. Luckily, I didn't have to face the tough times of the nineties when it seemed useful to try to cut back and the exercise was to identify units for closure to avoid across the board budget reductions.

UC Strategic Planning, Costs, and Priorities ## [17A]

Heyman: I think it's very hard for institutions like Berkeley or the Smithsonian to close down units. I observed from afar when Chang-Lin and John Heilbron, for instance, orchestrated a review that concluded that the campus ought to give up the library school in order to

reduce expenditures. That never occurred. The emphasis of the school was changed, but it was changed consistently with what librarians have to be now, experts in information sciences.

I don't know what has been done with art practice and drama. There always has been a bias at Berkeley against performance arts, largely because of emphasis on scholarship. Berkeley isn't a conservatory. But I know there was some conversation about cutting out these programs.

Even if closure of these programs occurred, the savings would have been small in relationship to the need. Big shortfalls require going after large, expensive units. And there the politics can be beastly. (Not that they are nonexistent with smaller programs too.) When I started the strategic planning process at the Smithsonian, I came to the conclusion that there was really nothing I could close that was going to create enough money to make it worth the price.

Deep, and selective cuts in program seem to require such radical cuts in support that it is obvious that the only way to solve the problem is to close down units. I don't know how you do it. Program closures are much easier in the private for-profit sector that operates with hierarchical management systems. Where shared governance is involved, however, it is much more difficult.

Interestingly, the major way the University of California solved its financial problems at the time was to use early retirement.

Nathan: Really?

Heyman: Yes. We just moved a lot of faculty and staff from the general budget to the retirement budget. We were able to do that because the regents have been quite conservative in running UCRS. It was over-vested. Thus there was more money in the fund than was predictably needed to pay off the retirement obligations incurred. Consequently, the university could offer inducements for early retirement--higher payments than otherwise could be expected. And a host of people took the option. This cut the salary budget substantially in a very non-draconian way.

Although a lot of older people retired, many stayed in residence in emeritus status. Basically, they continued doing what they did before but not teaching as much. They're not getting paid by state funds, but rather through the retirement system and federal research grants. A little state money is involved in "honoraria" for teaching.

Nathan: That's really useful to understand. I was also thinking on the affirmative side--sort of riding to the rescue and picking one entity to save first.

Heyman: Well, as you know, the decision "to save" biology was made in the eighties for multiple reasons that I talked about before. We raised a lot of money for new facilities, we reorganized the departmental structure, and we did some wonderful recruiting. I haven't previously given credit to the Hughes Institute whose aid was crucial and to Dan Koshland for his efforts in this regard.

Nathan: Hughes Institute?

Heyman: Yes, the Hughes Medical Institute provides a lot of money for medical research. A primary way is to create Hughes Professorships which are well supported in salary, lab facilities, and equipment. Hughes had restricted its aid solely to people in medical schools. Dan thought that was ridiculous because so much useful medically-related research occurred in other departments and universities. So he started writing editorials in *Science*. Remember, he became the editor of *Science* about this time. The Hughes Institute changed its mind and awarded support to some of the very brightest young faculty at Cal and to those whom we were recruiting. This support was crucial because it enabled us to recruit and retain faculty whom we otherwise would probably have lost to medical schools. And it helped fund facilities and laboratories. This support fit beautifully with all the other activities that were happening in biology.

Nathan: So there was pretty much a consensus on the campus about the urgent need concerning biology?

Heyman: There really was. Most faculty understood why biology was given first priority, although there was a little moaning, especially in the humanities. Berkeley has an enormously distinguished College of Chemistry, a similarly distinguished physics department, and first-rate engineering. Everybody agreed, however, that in science this was the era of biology, and that if Berkeley wasn't preeminent everyone would start to be hurt.

Nathan: There were some other crucial points: dorm housing, undergraduate curriculum. These apparently were other priority issues for you. I guess what I'm wondering about is whom you consult, how you take the temperature of the campus--

Heyman: I just intuitively did it on both of those. I didn't ask anybody. I had had enough intersections with the housing situation here when I was vice chancellor to just know we had to assure every freshman, who wants one, a dormitory room. And after all, it doesn't make much difference to the rest of the campus financially; it's all self-supporting through revenue bonds repaid by student rents. The only risks are vacancies. And these seem quite improbable.

And the lower division undergraduate curriculum: I think everybody thinks it is important. The issue is what do you do to assure that it's fresh and new and vital and gets a lot of attention? I don't think anybody worried about my interest, because they believed that curriculum change in the end depends on a thousand individual decisions. No one expected decrees, so all could applaud my interest. [laughing]

Nathan: Oh, that's wonderful. I have some notes that your work concerning freshman and sophomore studies, assigning faculty members as advisors and mentors, and encouraging more seminars--you got onto that very, very quickly.

Heyman: Yes. I got into it pretty early, but I didn't accomplish much. Largely, the lower division undergraduate curriculum is a letters and science problem. The professional schools and colleges either don't play a major role or have students already dedicated to their fields. First of all, very few of them have lower division undergraduates. Chemistry and engineering have lower division undergraduates, and they do a good job. Relevance is clear and it's almost inbred in both of those disciplines that you take undergraduates very seriously. Architecture has lower division students, but they take mostly an L&S curriculum the first two years, with only a few courses in architecture, as does the College

of Natural Resources. So the issue is all in letters and science--a hard place for outsiders to penetrate.

Nathan: [laughter] How to penetrate or infiltrate Letters and Science, that's wonderful.

Heyman: Well, the college had some effective politicians within it who kept the central administrators at a distance. I always thought that Ed Feder was especially adept at maintaining the autonomy of letters and science from the inroads of central offices involved in such matters as budget and planning.

Nathan: That's very interesting. If we have a little more time, there are a few rather specific questions that I've selected from the laundry list.

I'd like to back up a moment to the staff retreats. I wondered whether participants contributed their own ideas, or was there an agenda that was more or less set before the retreat?

Heyman: Well, if I remember correctly, at most of the retreats the agenda was very general and thus people could easily discuss what they wanted. Usually, as a matter of fact, we went around the table and people brought up whatever topic they wished. I can't remember with precision, but it surely is my style to open up such opportunities fairly broadly.

Nathan: It was more than just becoming at ease with each other.

Heyman: Yes. We ended up discussing real and pressing issues.

Nathan: Very substantive?

Heyman: Yes. In a way there was an agenda--simple in nature--for the whole ten years, focused on "my" strategic plan that I had outlined in my inaugural speech. Thus we repetitively discussed progress, if any, on each of those points and particular problems encountered in accomplishing them.

Nathan: Yes, and I do recall that you clarified and restated where we were in your various speeches.

Heyman: Right.

Presidio Council; Bay Vision 2020

Nathan: Could we talk a minute about the work that you and Joe Bodovitz were from time to time doing together? There was some reference to what the two of you might still be doing on the Presidio. Is that still happening?

Heyman: The last thing I think we did together concerned the application of the Endangered Species Act in southern California. This occurred when I was at Interior.

Nathan: Now, was Bodovitz involved in that as well?

Heyman: Yes. He had been commissioned by the State Resources Agency to work with some of the large landowners in southern California about open space regulation, endangered species regulation, and the California Endangered Species Act. That was when the Fish and Wildlife Service of the Department of Interior began formulating an endangered species plan for San Diego County, Orange County, Riverside County, and parts of Los Angeles County. I worked quite a bit on the project that is just coming to fruition now.

Nathan: Really? Now, was there any endangered species issue at the Presidio?

Heyman: There are, but Joe was not involved.

Nathan: I wonder what you guys were up to on the Presidio?

Heyman: I became interested in the Presidio when I was on the Presidio Council, a foundation sponsored group of notables advising the Natural Park Service concerning the upcoming transfer of the Presidio to the NPS jurisdiction. This was before I went East. Then, at Interior, I did the negotiation with the army, concerning its continued presence at the Presidio after the transfer. We finally came to seeming agreement, and then the army marched out. [laughter]

Nathan: Had you expected them to phase out their departure?

Heyman: Oh, yes. The whole supposition of the negotiation was that they'd phase out over a considerable period of time. The National Park Service plan for the Presidio assumed continued presence and the financial support associated with it. But the Department of Defense is a huge place and decisions get made and are not communicated. The army's negotiator, then undersecretary of the army, was very embarrassed, and we still are good friends.

Nathan: Who was this?

Heyman: Joe Reeder. But I don't believe that Joe Bodovitz was involved. Perhaps you've confused the Joes.

Nathan: Great. He has done so many interesting, good things; it's fun to pick up his trail a little bit.

Heyman: Of course, Joe Bodovitz and I spent a lot of time together on Bay Vision 2020. I was chairing this commission, and he was the chief executive.

Nathan: And did that have a Presidio component?

Heyman: No, it was essentially an attempt to create a regional planning process in the Bay Area. We worked very hard on it. The commission and the process had to be established by the state legislature. We got through the assembly, but lost by a few votes in the senate.

Nathan: Both of you had been involved in regional planning for such a long time.

- Heyman: That's right. And as Joe said the other day when I saw him, that was the zenith of interest in comprehensive regional planning here and it's all been downhill since. But we nearly made it. Although he didn't oppose us, the governor wouldn't help. That made it very hard.
- Nathan: Was that Pete Wilson?
- Heyman: Yes. Actually, we were scuttled by my old buddy, Quentin Kopp. He was responsible for us not winning in the senate. I really was angry with him.
- Nathan: Well, we can hope it will rise again as an issue, but it's hard to know.
- Heyman: I hope so, because it's a worthy idea. We came so close, and there were many people working on the project. Leaders from a coalition of the Bay Area Council and the Greenbelt Alliance spearheaded it. But it never happened.
- Nathan: Well, it is said that we have regional governance but not regional government.
- Heyman: Well, we don't have much regional governance either, unfortunately.
- Nathan: That's true.

UC Faculty Seminar Presentation

- Nathan: You alluded to Ernie Haas's faculty seminar in the late seventies, and I believe you heard Doris Calloway make a presentation at that. Could you say a little more about the seminar? What was the purpose and significance of this sort of seminar? Are there many such seminars?
- Heyman: I presume there are. I'm trying to think of how this one was described. If I remember properly it was mainly concerned with science policy.
- Doris Calloway made a presentation on the project that she had spearheaded and on which she was principal investigator. The project concerned nutrition in eleven underdeveloped countries. The subject matter was not primarily the quality of food or the nutritional content of what people ate, but much more the social structure and setting within which the problems of malnutrition arose. She asked the group to vet her project proposal. I was very impressed with her. That was the first time we had met and this eventually led me to work hard to get her into my administration when I became chancellor.
- Nathan: That's a beautiful way to assess somebody's capacities.
- Heyman: Yes.
- Nathan: I gather that the seminar drew people in from different disciplines.

Heyman: Yes, it did.

UC Admissions Issues

Nathan: You referred to the Asian community's opinion of Mac Laetsch. I wondered if there was an issue here.

Heyman: Mac Laetsch was the vice chancellor for student affairs, and we were lucky to get him. He was, as you recall, and is, a first-rate botanist and had gone to run the Lawrence Hall of Science. When Norvel Smith stepped down, we had to find a new vice chancellor for student affairs, and we lit upon Mac. I think that Rod was the first one to think of him; they had been on the botany faculty together.

Mac was a wonderful vice chancellor for student affairs. An important responsibility in his office was admissions. Mac had the responsibility for increasing the number of black and brown youngsters at Berkeley. This was a high priority for me.

At one point, the numbers of Asian American students entering the freshman class dropped by 5 percent or so. Many in the Asian community believed that we had put a ceiling on Asian admissions. This was incorrect. The drop in Asian numbers came about for a number of different reasons. One was a drop in applications by high-achieving Asian Americans who started to go to other schools around the United States. Another was the burgeoning success of our efforts in attracting qualified black and brown students.

But the admissions people were not forthcoming with the Asian community in explaining the drop. Ill will started to fester, with distrust in the Asian American community based on past discrimination. And the situation finally blew up.

[17B]

Heyman: Mac Laetsch became the focus of hostility in the Asian American community, which was especially ironic, given that his spouse is an Asian Indian woman from Trinidad.

This hostility was undeserved, and Mac was furious. But there was no way I could dampen the outbreak, especially given faulty communication from his office. Moreover, unstated but also present in the minds of many, was a rejection of affirmative action efforts by many in the Chinese American community, which led to somewhat fewer Asian Americans and Caucasians being admitted.

Then Curt Simic left with little warning right in the middle of the capital campaign, and I concluded that Mac would be superb as director. So I asked him to do it. It also tangentially solved that political problem, but that wasn't my primary reason for my asking him to switch positions.

Nathan: So perceptions are not always reality?

Heyman: That's true.

Experiments in Education, 1960s and 1970s

Nathan: The next topic is the Muscatine report and the Tussman program. What was your take on these?

Heyman: Both the Muscatine report and Joe Tussman's program preceded my entry into the administration. The Muscatine Committee (which produced "Education at Berkeley") was intimately related to the Free Speech Movement. In March of 1965, acting Chancellor Meyerson "challenged the senate to consider a pluralistic approach to education at Berkeley." Muscatine chaired the committee that did so and rendered a lengthy report one year afterward.

The thrust of the Muscatine report, insofar as it dealt with undergraduate education, suggested greater emphasis on teaching and small classes, means for students to contribute to educational planning, substantial loosening of departmental and college regulation of course subject and requirements, liberalization of grading, some student-sponsored courses and student-"designed" curriculum, and a new senate apparatus to inject flexibility.

The Tussman program, whose genesis just preceded the FSM outburst, was based upon Alexander Meiklejohn's college at the University of Wisconsin in the 1920s. Tussman's idea was a lower division program, defined by its faculty, based upon intensive reading that explored fundamental questions related to deep controversial issues of our time studied in the context of great works of history, literature, law, and the like, relative to the past as well as the present. The initial focus of the first two-year program was Greece and England in the first year and the Constitutional Convention and contemporary scene in the United States in the second.

The two approaches were radically different in a number of ways. The Tussman initiative was a specific program of relatively small size to coexist with conventional lower division curricula. It was a "lower division college" of the university. The Muscatine approach was not a discrete academic program, but a change in structure to loosen conventional departmental and Academic Senate controls and thus permit the blossoming of many credit courses proposed by faculty and students. It also urged liberalization in grading and a variety of other reforms to enhance intimacy and relevance of the curriculum. The Tussman program, while it would have been eligible for approval under the Muscatine approach had its establishment not preceded new academic structures responsive to Muscatine report proposals, differed in many respects from the thrust of the approach. Chiefly, Tussman left the architecture of his program and the course offerings and control solely to the program faculty. Faculty responsibility, rather than student control, was a central feature.

Many of the Muscatine suggestions persisted during my time as vice chancellor and chancellor. The establishment of ethnic studies, for instance, owes much to the senate structure created in response to the report.

The Tussman program, while pedagogically successful, was short-lived because of the difficulty of recruiting a succession of faculty members devoted almost entirely to a demanding undergraduate intellectual experience which consumed most of the faculty's time leaving little for research and graduate programs. This could have been alleviated by giving the program permanent faculty positions. But this didn't come to pass.

People and Places

[Interview 10: February 24, 1998] ## [Insert from 10A]

Nathan: Do you now want to say something about Curt Simic's work?

Heyman: Curt's job was a very difficult one. He had to give some central campus coordination to a series of efforts that had been very local. For instance, he had to integrate in some way intercollegiate athletics, the College of Engineering, the School of Business Administration, the law school, as well as other units where development activities had occurred and were occurring. That's exceedingly difficult, but I think Curt made a solid start.

Why don't I say some things about University House and you figure a good place to put them?

Nathan: Good, all right.

Heyman: University House provides a splendid opportunity for the chancellor and his family to entertain both grandly and informally. When I first became chancellor, we remained in our house on San Luis Road until our younger boy, James, graduated from Berkeley High. Therese thought this was very important, because he had so many friends in the neighborhood. She did not want to upset what were a very successful set of relationships for him.

Nevertheless, we entertained quite often at University House and got into the habit of going home when the party was over. We left to staff the responsibility for putting the house back into shape. This is a habit we maintained after we moved into the house. When the last guest left we immediately went upstairs. What a wonderful way to be able to entertain.

We had many adventures at University House, luckily none of them as unpleasant as the one that my successor, Chang-Lin, had to suffer, or ones that were as upsetting as the constant demonstrations surrounding the house during Roger Heyns's time, or the occasional harassments that the Bowkers took.

For us, very few things occurred that were disturbing. A few times, demonstrators marched over to the house, but the security arrangements were so sufficient that nothing untoward occurred. Perhaps the most major incident was when Mitterrand came to the campus and we went to University House for lunch following his speech. On the way he

was mobbed, largely by North Africans protesting French policy in North Africa, but the campus police handled the situation well around the house.

In general, University House was a quiet residence for us for the eight years we lived there, with beautiful gardens, nicely maintained, and a house staff who were gracious and helping. We were very comfortable there. Therese can let you in on the inside of what was going on.

Therese played a very important role on the campus during that ten-year period. She planned and presided over innumerable dinners, lunches, and other social and university events, with style, grace, and energy. She was much admired by the community, so much that she was awarded a Berkeley Citation and made a Berkeley Fellow. (I played no part in the award of these honors, in fact they came as a surprise to both of us.) Moreover, she provided a warm and inviting home for our family. And she did this all while carrying on her successful career as a senior curator at the Oakland Museum.

Nathan: Yes, that's very good. Thank you. You made a comment about being vexed by the president's office.

Heyman: What I mean about vexing is that one's freedom is limited depending upon the attitudes of the systemwide executives. For instance, David Saxon allowed Berkeley to change its calendar. But if I had ever brought the issue of returning to the semester system after David Gardner took over, I doubt that permission would have been granted. I suspect he would want the whole university to be on the same schedule. That's what I mean by vexing.

Nathan: Fighting the bureaucracy?

Heyman: Correct.

[End of Insert]

Vision for the University ##[18B]

Nathan: Do you want to say anything about your vision for the university, what you hope for, or the whole community?

Heyman: Sure. My thoughts about Berkeley are the same as they were when I was a professor, a vice chancellor, and a chancellor. The university is a wonderful place. It is an institution of considerable intellectual brilliance and energy, while at the same time accessible to people who are not necessarily from socially prominent families. In this regard, I think that a great state university has an advantage over great private universities. They are comfortable places for lower class and middle class young people who have abilities, sometimes latent but developable, and desire to achieve.

This is one of the reasons that I have been and continue to be such a proponent of affirmative action. What affirmative action means to me in good part is to make real in

this decade what occurred with respect to poorer whites fifty to one hundred years ago and continues. Berkeley is a place where one can go for a wonderful education and a place of great upward mobility. Moreover, I see Berkeley, as I do the rest of the UC system, as a place that prepares youngsters for leadership roles in all kinds of areas--government, politics, business, social services--and a place that brings together the best of all of our young people.

I continue to have that image and vision of a stimulating, intellectual place, from which can emerge the future leaders of our society. And I think that it will continue to play that role, regardless of Proposition 209 or the like. The central function of the place has been what I describe and in some way or another, it will continue to fulfill that role. That's my vision.

✕ Nathan: That's really very profound. Any advice?

Heyman: No, leave that to my successors.

Nathan: I'll stop this just for a moment. [tape interruption] I'm just going to say that we were talking about materials that could be bound into the volume, or sort of read into the record. And you have something in your hand there.

Heyman: Yes. In 1993, in April of '93, the folks from the College of Natural Resources, to which Rod Park had returned following our administration, gave a farewell party for him. He had decided to retire and become emeritus in '93. I was asked to speak, and I made a short statement, but I think it encapsulates what I felt about Rod, knowing him for a long time but most deeply, of course, when he was the vice chancellor.

I said, "Reminiscing about you is like writing a premature obituary about a young gladiator who is destined to be long-lived. The question is never 'What was'; rather, it's 'What's next?' Our lives have been very intertwined since Senate Policy Committee days in the sixties when, unbeknownst to us, we were the Young Turks soon to inherit the responsibilities for leading Berkeley. We did a pretty good job, and it took both of us, the prodger and the soother, the activist and the pragmatist, the scientist and the lawyer. Above all, our timing was great, especially choosing the end of a decade to step down. Rod Park is a complex man. I want to celebrate one of your most admirable characteristics: an absolute inability to be defeated. Of course you lose battles, but you indefatigably persevere and recover. I think of your solo Trans Pac after the emotional separation from Marika, your mastering the banjo to keep yourself out of trouble, and your work on the admissions process after the infamous regents' meeting.

"I could go on almost indefinitely, but I will let the foregoing attest to my admiration for you and my recognition that what is said I have accomplished at Berkeley would not have occurred if we had not been co-leaders for the campus."

Nathan: Oh, that's splendid.

Heyman: I wanted to include this because Rod was so important in the successes of my administration.

Nathan: It is splendid! What--Trans Pac?

Heyman: Yes, it's the sailing race from Los Angeles to Hawaii.

Nathan: Oh, trans Pacific.

Heyman: Right, and he--as I said in the body of this, he single-handed it, which is very unusual. So he went all by himself, and he brought the boat back himself. You can go directly there because of the way the winds blow, but to come back, you've got to go way up north before you can come down to return. So it's a long, long time by yourself at sea.

Nathan: Well, everybody ought to have a friend like you to say things like that. I'm so glad you put it in.

INTERVIEW WITH THERESE HEYMAN

I. THE TEAM OF CHANCELLOR AND SPOUSE**Entertaining in Unsettled Times**

[Interview I: December 18, 2000] ## [1A]

T. Heyman: To focus this so that it is about the University of California at Berkeley, and dealing as much as possible with the years at University House, I brought some notes that I made during those years. The purpose of my making notes was to be able to remember the unusual things we did. And one of my favorites I think of as doing catch-up, when you set yourself a task and then think how best to handle it.

One I remember was during the time that Michael Heyman was chancellor. He was chancellor for ten years and this was toward the end of that period. The regents were going to meet in Berkeley and he suggested that, as usual, the spouse of the chancellor invite the spouses of the regents. That seemed perfectly doable, but we had to consider the prospect of the major confrontation that day--there was almost always a confrontation at Berkeley, and this was about South Africa and investments. The regents' meeting would be up at Lawrence Hall of Science, but the luncheon would be at University House.

That required some logistics. I thought, "What we really need is a major distraction, because we're going to have hundreds of police from all over the Bay Area here, and we're going to have a situation in which it will be very difficult to drive to Lawrence Hall and even more difficult to get away from it. What can we do that will divert these spouses, entertain us all, and make the best of a day that is not going to be good?"

I remembered that one of our graduates was Alice Waters, so I called Alice. This was before she was quite so famous, and certainly before she was Alumna of the Year. And I said, "Alice, you know about confrontation. We're in real need of some diversion. I'm not inviting you to come and cook or even to take part in preparing the meal, we'll do that. All you have to do, if you will, is to talk a little bit about your philosophy and how it is that you see the use of food." She thought for not very long and then said, "Okay, fine. I'll do it."

So we had the usual formal lunch with elegant plates that belong to UC--a set of white Wedgwood china that we had been collecting for all the years that we had been in University House. We had a nice young cook who, although terrified of making lunch for Alice, put together a perfectly nice lunch. Then these spouses and I went out into the garden with Alice, and she talked about raising baby carrots--her words were so moving and wonderful, we were in tears after her talk.

We managed to get up to the Lawrence Hall of Science, which was completely surrounded by police with helmets and guns, because that's the way all the UC police are--they all carry guns. One of their concerns was that the demonstrators could push in the windows at Lawrence Hall, but they actually did not. The governor had flown in for the meeting and landed in a helicopter in the football field!

The meeting was held under some duress, but by the time we left, the various demonstrator groups had all been forced out. Mike and I left in a van, along with the governor who was going back to the football field to get his helicopter. Willie Brown was sitting next to him, and there were one or two others. I took photographs because I thought it was such an interesting time, and I have the photographs somewhere, but I'm not sure how much they would really tell us about the day.

Well, every one of the spouses later wrote me a note, many saying that although they hadn't understood when they first met Alice who she was, when they told their friends or their daughters they had been to lunch with Alice Waters they were truly amazed to find how important she was. And they said how nice it was that Berkeley had such a graduate. I felt as though we'd done the best we could--and after that Alice is still a friend!

Mixing Town and Gown

T. Heyman: We called on as many graduates over the years as we possibly could. There were all the women, like Barbara Holzrichter, who were in the chocolate business, and we had them come and talk about chocolate, fancy chocolates.

And we had Joy Carlin, an actress, come and read about a British landscape writer. On that occasion, I think we had the Garden Clubs of America. The alums arranged this. It was an afternoon event, and because her reading had to do with British gardening, we served what we thought was the British drink of choice, which was a gimlet. However, the people at University House were just not certain how to make gimlets, I'm afraid they doubled the liquor and cut the mixer, so that instead of being mostly lime juice and water, it was mostly gin. [laughter] People became quite tipsy.

Our events usually worked out well, and we did try to call in graduates as much as possible, you know, people in the community who wanted to do something for the university--although I think Mike always felt that having the Grateful Dead perform was probably a mixed blessing. They played at the Greek Theatre, which they liked very much. They preferred the Greek Theatre to most other venues; even though it was small and they couldn't make as much money, they liked the Berkeley scene. There

were a lot of events like that where we'd try to add a Berkeley person or a Berkeley graduate to the mix to engage people's interest.

Nathan: Bringing together the alums, the city, and the campus makes so much sense.

T. Heyman: Well, these were people you couldn't call on except in the name of the university, so it was wonderful.

Cuisine and Cooks

Nathan: There was more than a suggestion that you were very interested in the menus.

T. Heyman: Oh, yes. Well, you see, we had been invited as guests to University House long before we moved in. I will not mention the names of the people who were then in residence, but it was a long time ago. They had very little interest in food. Guests found themselves having hot dogs or avocado and grapefruit salad, which I thought seemed like something out of the fifties. So when we had this opportunity we hired a young cook who was as eager as we were to show off California and to suggest things that were unusual.

But we never served a meal whose menu I hadn't seen in advance. I really didn't want the situation where everyone sits down for dinner with me thinking, "Oh, my heavens, where did this come from, and how come we're serving it?"

Also, I tried to use chicken, fish, and veal, but not too much else in the way of meat. This was fairly progressive. Currently the wife of the chancellor is vegetarian. But we had just a more informal sense of that.

We were fortunate in having a cook who worked for the university and was able to prepare meals for large groups. But we also had a housekeeper who was a very good cook and could make things for much smaller groups. It was a way of handling entertainment commitments that maybe had not been done before. And having an innovative cook meant that we could try serving more interesting meals. She was wonderful at adapting menus. She was willing to cook for twenty-one people or for six people or for 140 people. And she also was very good at finding servers.

Other chancellors' wives have used university students for these jobs. However, because it was a time of great controversy in many different ways, I felt more comfortable knowing that the conversations that took place at the table in University House were not overheard by students. The last thing I wanted was for guests to be talking about what they were planning to do next and have some student call up the ASUC and say something like, "Don't protest on such and such a day because they're thinking of coming. Protest on another day when they don't know about it." So that was one of our reasons for not using university students, however capable they are. And, of course, they're very capable.

Nathan: Didn't you have occasion to bring faculty wives together to do some tasting?

T. Heyman: Yes, we did that. It was fun to do and gave everybody a sense of being included. We did tastings for every big event. For example, when we had a meal for a Nobel Prize winner--and that was a time when Berkeley did have many Nobel Prize winners--we would invite five or six people from the community to the campus for tasting. I think many more community people care and know about food than do perhaps the wives of the faculty whom I think have their own more or less traditional ways of cooking. So we would do tastings for many events, including some major ones.

Sometimes one of the large rooms at the student center was used and sometimes the Claremont Hotel was used for grand events, which was a challenge in those days. At the Claremont we used both the inside lounge and the outside area. One could use the room and suggest a menu. For the most part, tastings are fun because you get to talk to a small group of people about what's happening at the university.

Entertaining Mitterand

T. Heyman: We had a lot of leaders come through. When [President of France François] Mitterand came we felt as though we needed a particularly good menu. While we were there we also had Chancellor [of Germany Helmut] Kohl, and also the King and Queen of Spain. A long list of people visited who were well traveled and probably much more sophisticated than any of us. So we would have a tasting to which we invited someone from the community who was from the same country as our guest.

There were a lot of challenges. Sometimes you're caught up in something and not sure how best to make it work, such as when Mitterand visited. It was clear that my high school French was not going to be up to this. So I worked with Mrs. Jean-Marie Barnes and practiced a few niceties like, "Hello, welcome, it's nice that you're here, thank you for coming." I did all those, and then said to Mr. Mitterand, "Would you like to see the garden?" Meaning, "From here, indoors, would you like to look out the windows at the garden?"

But he took it quite another way, and his entire entourage walked out to the garden. Which was fine, except that protestors, French from Algeria, circled the garden, not inside but outside! Our police were with Mr. Mitterand, but as he was strolling about all this exceptionally loud noise erupted and we tried very hard to get him to come back right away. But, of course, being Mitterand, he just strode along, looked at the garden, and came back at his own pace. So you can prepare only so much, and then people do what they wish.

Nathan: Did you get involved in the various section clubs or the faculty clubs?

T. Heyman: No. You know, I was very fortunate because my predecessor, Rosedith Bowker, the wife of the prior chancellor [Albert Bowker], was a teacher and had to commute. Rosedith taught both in the statistics program at Stanford and then earlier at Cal State Hayward and thus had very little opportunity to take part in daytime activities. So I took advantage of what had become accepted and suggested that unless it was a very unusual situation, such as the regents' wives, or a Nobel Laureate, or the Queen of

Thailand coming to the campus, I was going to try and do my campus activities after four in the afternoon, leaving the mornings for my work and for some writing.

Planning Schedules for Two

T. Heyman: We had our scheduling meetings very early in the morning and then the rest of the day was free. Mike felt that although he knew many folks on campus, he really didn't know all of the people who might want to include us in things. So we would talk about whether or not to accept certain invitations, who should be invited to certain events, how much to do outside the campus, and how much to do inside the campus.

In many ways it depended, too, on who the president of the university was at that time. Some of the presidents thought that Berkeley was so fine a place, it could safely go its own way. Other presidents felt Berkeley was so fine a place that its chancellors acted like university presidents. It just depended on who the occupant was at that time. I think the scheduling was a great advantage because I learned about what should and should not be done from the UCB angle.

The president's office staff also had a sense that the chancellors' wives might need help in deciding what to do and what not to do, and they gave the impression that they understood all this better than we did. So there were many meetings of the president's staff and the spouses of the chancellors. At that time most of the chancellors' spouses were women. And although some were quite effective as leaders, Sue Young in particular, others were quite happy to be given advice.

The person advising us, ironically, was Mr. [Vice President Ronald] Brady, who himself I think felt unclear about what he could and could not do. He was kind of a sounding board. Some of the women felt very strongly that they should be allowed special accommodations, because they really had no standing within the university system.

Spouses, University Status, and Pay

T. Heyman: I felt as though the meetings were fine but not terribly helpful. But then I had certain advantages that others did not. For instance, I had a library card as a staff member of the Oakland Museum, so I could work in The Bancroft Library, for instance, without having the president's office help me arrange that.

There were other things, such as being able to drive people around and be covered by UC insurance should anything happen--that was something people in the group wanted. They also wanted the chancellor's house to be covered so that if a guest fell down the stairs, we wouldn't be personally sued, we would be covered by some form of employer's insurance as employees of the university. Those were clear-cut kinds of requests, and I think in the long run they were granted.

But a far more difficult and controversial request was to be paid a salary. I think Sue Young and Libby Gardner both felt very strongly about this. The presumption was that they were working for the university. It was something that came up not only among women whose academic husbands were taking sabbaticals abroad, but also came up in the U.S. State Department where ambassadors were sent to countries where the wives probably couldn't get jobs. Those wives also wanted to be paid. I think one or two universities actually were paying spouses.

My concern was, and I tried very hard to convince Sue Young, that if you have a university job, presumably you are the best person for that job or you would not have been chosen for it. It wasn't clear to me, and I don't think it was clear to her, that with those guidelines any of us would make the cut to be the wife of the chancellor. Therefore, if you don't ask to be paid, you don't have to meet that standard.

Sue Young continued to ask for pay. I think what they finally did was to say at a certain point you could be paid, but it was going to be a payment in lieu of something else, and a payment through the spouse. As far as I know, only one person ever handed in the right papers at the right time, and that was Libby Gardner. That, of course, would have had to be signed by her husband. So it went that far. Then I think after she was paid no one else ever was.

I felt as though we shouldn't be paid to begin with, but all of our costs ended up being paid--if I flew someplace on university business, the university covered it. So I thought at the time, no, it's perfectly okay to want recognition, but I don't think it was ever okay to suggest that you be paid. First of all, it would likely come out of your husband's salary whether they said so or not. So, if they would pay you a couple of thousand dollars, they would pay him in some cases less.

But the university system for payment is quite archaic and certainly not public. It's only after you leave that you find out about the discrepancies. Like some chancellors escaping the tax code and others not. But these were things that were being done when the UC president's administration had some people who were extremely clever and close-mouthed about how to deal with economics. They knew how to hide things in places which no one knew about until years later.

I'm afraid the price has been high for those people once they were discovered, but in any case, from the point of view of the spouses, I think the president's office was really trying very hard to suggest things that might be helpful, but perhaps were not really terribly helpful in the long run.

These same issues were discussed among the spouses of various academic groups, such as NASULGC, the National Association of State Universities and Land Grant Colleges. Those spouses met together and talked about how difficult it was to be chancellors' wives. They turned out a book on the subject. I think Sue Young's chapter in it also dealt with being paid.

Really I felt as though the opportunities far outweighed the problems. If you looked at it as an opportunity, you really didn't need to complain about the time it took, because you didn't have to spend all your time doing spouse activities. You could set up your rules. You could say, "I'm not available in the morning or at lunch," or whatever. For

some women who had no other choice, or maybe who had several very young children, maybe it was a real problem.

Living in University House

T. Heyman: For those of us whose children were older, the opportunity to live in University House was marvelous. There were also drawbacks, however. It's a partly public building, and as [Ronald] Reagan said, you're living over the store. But still, people are very respectful of the house and the people who live in it. There were some intrusions, such as when the State Department came through with their dogs and searched the house to see if there were any problems with explosives. That would happen when we had famous heads of state as guests.

The trouble was that the dogs were really not trained to differentiate between explosives and drugs, and so I would always say to my sons, "Boys, these guys are coming by tomorrow, and if there's any problem, if anyone has anything questionable in their room, please take it out of the house." Our cat never got used to it. When the dogs came by for this purpose, the cat would sail across the house at about four feet high trying to get away.

But aside from that kind of event, which was really related to business and entertaining, there wasn't a lot that intruded on us in the house. We didn't move into University House for the first two years because our son James was still in high school, and he felt as though he couldn't invite his friends to University House or any house that had lions out in front. That would be too much--a show-off type of thing. So when he graduated from high school, we moved into University House.

I can see that for people with very young children the house might seem something of a captivity, but it wasn't for us for the most part. Sometimes after events there was food left over, and we didn't know whose food it was. Well, those are not things one should have to worry about. One should be sensible about that.

I would say that for the most part the advice given to spouses by groups such as NASULGC was good. We sat around and talked about the challenges and opportunities of being chancellor spouses.

I have a feeling that people coming to these meetings were listening but maybe not completely applying what they learned to themselves. For example, at the research university meetings, the wife of the president of Stanford was there. For some reason I think she wasn't listening, because it turned out later that their wedding reception had been paid for by the university. And I wondered, "Where was she? What was she thinking to believe that she could do that?"

[1B]

T. Heyman: These meetings gave us an opportunity to hear other people's stories about how difficult it was to be able to spend money on upgrading a university house. It's difficult in part

because most people have their own experiences with houses, and they don't necessarily realize that a university house has to be able to serve great numbers of people. It therefore requires a refrigerator with a great deal more capacity than the one in someone's own home. So if they see the university spending \$12,000 for a refrigerator, then a lot of local people might say, "Well, I can go to Sears and get one for \$600." The problem is that if you serve restaurant-size groups, you need restaurant equipment.

Even so, we were very careful not to replace equipment if we didn't absolutely have to. We did replace the refrigerator, and we did spend a fortune for it, because we had to get one large enough for a restaurant. But we never did replace a lot of other things that should have been replaced.

When the Queen of England came to University House, her staff came before her. They looked at the bathrooms and said, they "weren't sure that Her Majesty would know how to use this kind of a flush toilet because it is so old." [laughter] I said I was certain that her palace was no more up-to-date than the University House. Our bathroom was probably put in in the forties, but it was fine. But her staff did ask, and I shuddered.

We did not do those rooms over for a very good reason. The climate of opinion at the time would not have permitted it. In some cases, when constituents were really unhappy about the university or unhappy about the chancellor or unhappy about the president or unhappy about the state college system, they would turn to Mike Heyman's expenditure because everyone could understand that and make that a key point.

A Yale University president spent a lot of time defending some house renovation that clearly was needed, but he couldn't convince people that it was. The head of a state university system while we were here was an extremely talented woman, but people made an issue out of the driveway she had put in front of the house that went with her job. Now of all the things you cannot take with you and that cannot possibly be a flagrant misuse of state funds, a driveway is one, but people complained. In fact, she did have to leave her job. It wasn't because of the driveway, but that was the identified sin.

As far as we were concerned, we made virtually no changes in the house except for the refrigerator. But what we tried to do was to compensate in other ways. For example, we had students live in the house for added security, and that made up for a somewhat inadequate alarm system. When we first moved into the house and James had graduated from high school, he told his very good friend Linus how he could get in: "Just ring the bell." But Linus came on a day when we were not listening for the doorbell, and since the house is very large and we were all on the second floor, we didn't hear the doorbell.

Linus, being a typical Berkeley kid, walked around to the side of the house and climbed up the column and over the railing and onto the balcony of James's room, and opened that door without setting off the alarm. He did that within the first week of our living there, I think in part to show how easy it would be, but we realized the alarm system was just not adequate for someone who was enterprising.

So what we did was to get two graduate students at different times to live in the house. The students we chose worked late at night and were often up until two or three. We were fortunate because no one ever did break into that house while we were there. But

it was, I think, largely due to the dog barking or chasing the cat and the students living there, because the alarm system certainly was weak.

Again, to redo the alarm system would have been hugely expensive. And I think we felt we just didn't want to make those changes under those conditions. So what we did was to save the money that was applied to that category, and when we left we informed the next chancellor who came that there was enough money for that chancellor to make changes which wouldn't show up on his scorecard, because it was money from our years. That worked out I think really quite well.

I didn't ever feel personally threatened. The student protestors who came to the house on only one occasion didn't walk to the front door. They came close but didn't try to break in. It's possible that Mike felt more threatened than I did. We did have bulletproof glass installed in the living room. But really the security panic system from the university was excellent. If you hit the panic button, security appeared instantly.

University House Art and Inventory

Nathan: When you say that you didn't really feel that you should make changes to the house, did that include furniture, art, et cetera?

T. Heyman: No. And in fact one of the great advantages I had was to work in a museum so that I came to know people in other museums. I could go to the University Art Museum and say to them, "This is a list of people whose work I would like to borrow for the University House."

Nathan: And these were always American?

T. Heyman: Always American and mostly university-oriented, and always Californian. So we were able to borrow art by Joan Brown, who at that time was teaching at the university; Sam Francis, whose daughter was at the university; Elmer Bischoff, who was teaching at the university; Richard Diebenkorn, who had been teaching at the university; and more. We borrowed large pieces that kept us from noticing that there was furniture that should be repaired that wasn't being repaired. [laughs]

We also had the help of the designer Jean Coblentz whose husband, Bill, is a very loyal UC person, and a former regent. Mrs. Coblentz was able to call on people. When we needed a rug, she was able to talk to a UC alumnus who was putting a nice rug at auction. She explained to the alum that if the rug was simply given to us, it would be a tax-deductible item, perhaps more useful than the auction would be. So we received a splendid rug. Over the years, Jean was able to hustle quite a bit for us, one way or another.

People are very generous if they're told precisely what is needed. At one time the University House had had a full set of the UC china made by Wedgwood in 1930s and 1940s--and I learned that it could be reprinted by Wedgwood--but somehow, mysteriously, whatever the University House had had was gone before we came, there

was virtually none of the set there. We tried borrowing some from The Bancroft Library, but of course with librarians, if you will forgive me, as soon as you ask for something, it's always the thing they most care about and cannot possibly lend, even though they have thirty or forty pieces of it.

But when I found that sets still existed, I went around asking everyone I knew whether they had any such china, and it turned out that Laura Bechtel had a whole set, thirty of everything. She didn't feel she needed it, and she was kind enough to give the set. For quite a while we kept adding to it, and graduates give us different illustrated parts of that UCB set.

When we knew we were leaving University House, I thought what was really needed was an inventory of the house, and we had one commissioned. A couple of students photographed the furniture, fine silver, and jade, and signed books and objects, and I wrote the descriptions of size and conditions that went with the pictures for each item. I'm not sure I know where that inventory is anymore, or whether it's up to date, but it was one moment in time when we wrote down the things that belonged to University House.

Nathan: Was that the first inventory ever done?

T. Heyman: It was the first inventory I've found. Because the University House is treated as a temporary residence for people, there is no system that I know of that keeps track of these things. I imagine the people that are there now don't have the inventory or don't know where it is.¹ There hasn't been a continuous person in charge of that. I think this is something we should have and need at the university.

Styles change, people take down the silver sconces and put them someplace. But the items that are extremely valuable should be accounted for. I think we should let the university find some way to register the items that belong to the house, picture them, and then find appropriate storage places. This is something that comes up in many areas. Folks in politics borrow paintings from museums or private individuals for their office walls. But when they leave, they've forgotten that they were lent, so they sometimes take them home with them.

We need to have detailed accounts to list who bought what, what belongs to the university, and what is the personal property of the people who live or work in the house. I found that keeping track, labeling objects, was an interesting challenge.

Sometimes between chancellors things just don't seem to stay where they should be. We did have enough of everything to entertain, there's no question about that, it's just if you wanted the best of everything for UCB you had to keep asking. While we were there we had rooms painted, and also we put in a garbage disposal. We did minor things that were not costly.

1. Located in the University House attic, now in the office-T.H.

The Peace Rose Story

T. Heyman: We had Bill, a wonderful gardener who was extremely inventive. He seemed to have many friends among campus faculty who would come by and leave new kinds of orchids for him and he would grow them in a tiny greenhouse on the side of the campus garden.

We also decided that all of the roses should be identified in the rose maze. Because I'm the curator-type, I like informative labels. We had labels for the paintings, although people do not ordinarily put labels in homes, and I felt we also needed labels for the roses. So we invited "rosarians" to help, and "rosarians" are a very curious group of people, very precise. The landscape architect Mai Arbegast found four or five rosarians who came to the garden and studied the roses.

It turns out it's not so simple to name a rose. You must know what it looks like before it blooms, you must know what it looks like when it is blooming, and you must know what it looks like after it's bloomed. So these folks came during those three different periods and had long discussions about whether it was this or that rose. In the long run they came up with names for everything. We designed a very nice label like the national parks use outdoors, naming all the roses. Then we had a ceremony because the story of the Peace Rose is such a romantic story.

Nathan: Oh, really?

T. Heyman: Yes, the Peace Rose left France on the last plane to leave France at the beginning of World War II to come to the United States. It was propagated by a couple who came from different rose-growing families and were really competitors, but they joined together on this particular plant and then brought it over. The roses were grown in Virginia during the war. After the war it was such a spectacular rose that at the time of the opening of the United Nations [conference] in San Francisco it was named the Peace Rose. It's been a winner ever since. We had several in the garden, all very beautiful, and we included the story on the label.

But that was the kind of thing you could do at University House which made it interesting to be there, and it wasn't costly. First of all, the four rosarians did not accept honorariums--I hope we gave them lunch! [laughs] They said it would be an honor to help us name the roses. In a way we accomplished a lot with people's good wishes and their talented volunteered help.

We also called attention to the house by framing and displaying the original plans for the building and original garden. As much as possible, when we acquired anything we tried to have it come from the 1901-1911 period when the house was built. At that time University House was where it still is, and Mrs. [Phoebe A.] Hearst had a house only a block away. One of the reasons Mrs. Hearst was generous was that she was living so close by and was very supportive of the then president. The early use of that house was for the president; it later became the chancellor's house.

I think it's true that people are more apt to give time and funds to a cause if they are also a part of the process of making decisions. We tried to involve as many people as we

possibly could in all these activities. For the most part, University House could be a wonderfully special place. It had at that time three flights up and one down, so we did get to climb a lot. The only elevator was put in by the back hall a couple of years ago, but it was certainly needed. However, you couldn't have made that kind of expenditure unless it was done in conjunction with a focused renovation. The elevator was installed during the earthquake renovation.

Nathan: The benefit to the donor was the feeling of connection to the campus.

T. Heyman: Yes. I think people would recognize why they felt good, and I think always care about it. The people who visited University House understood the importance of these paintings that belonged to the university or were loaned by the artists. It was a topic for conversation, and people got to know a little more about the artists at the university. Many of the artists were teaching at Davis at that time, all exceptional people.

Professional Work and Campus Hospitality

Nathan: With all the entertaining that was part of the task of the house, how did you establish the fact that you were going to carry on your profession?

T. Heyman: I walked in as Rosedith Bowker left and I never had it questioned.

I had always worked part time. There were certain days I wasn't at the Oakland Museum. I could do more of what I wanted to do on those days. But otherwise we just started out in that direction, and I don't think anyone expected me to change. I think that all the women's groups on campus which would have preferred that I be active in their programs expected that a chancellor's wife would attend, and I did occasionally.

The Section Clubs were run by extremely devoted volunteers, and I think what they did was really remarkable. But it seemed to me that the women who ran them were doing very well without the involvement of the chancellor's wife. I was not among them because they'd almost always meet during the day.

The people arranging alumni events did well without me; they were organized, and very able to run things. When we did attend, that was a good thing, but when we weren't able to I don't think it mattered to people. On our own, every year Mike and I shook hands and said hello to every one of the 3,000-plus freshmen that came to the university. In addition, we invited as many visiting professors to the house as we could. We were doing our part in a different way.

There were certain activities that we absolutely needed to do, such as attend football games. [laughs] I managed to go to football games for ten years and never understood the rules of the game in any sophisticated way. I sat in the box among our guests who were invited for the game. I could always find someone who knew as little as I did, and we'd sit together and talk about something of mutual interest other than the game. When something remarkable happened we would tune in to the game, but we weren't

necessarily following each play. I found a lot of wives at games didn't really know or follow football.

It went well, I think, until there was something totally unusual, and then there would be someone to explain. On the day of the Big Game when Cal made the famous "play" of lateral passes, fortunately Tom Bates was standing right behind me as the astounding move unraveled. He explained it as it was going on. Of course I was delighted that one of the great UCB Rose Bowl players was right there.

At some point I want to say that coming back to UC from Washington has been instructive. I continue to see that the people here are extremely intelligent and thoughtful, and being outside of Washington have a more broadly based set of opinions. They're not as renowned, nor are they as self-centered, as the political people in Washington are, which means they don't feel they have to defend themselves or cover up in the same way that they do in Washington.

II. THE VARIETIES AND LESSONS OF CAMPUS EVENTS

[Interview 2: January 11, 2001] ## [2A]

Michael Heyman's Charter Day Inauguration, 1980

T. Heyman: Mike's Charter Day inauguration was, I think, the precursor of what Berkeley might be like during difficult times. It started out with much time spent on the question of how students would react and what were the flashpoints of people's opinions. However we did not fully anticipate what could happen, and it was outrageous. Joan Didion, a very distinguished writer whose voice is quite slight, was the invited speaker. The noisy demonstrators were really not only impolite, to put it mildly, but they were easily able to shout her. What should have been a celebration for her was really a disaster.

That's the kind of shock one has during demonstrations. They are totally unpredictable. I know that many of the people who demonstrate feel that they are showing us their opinion, but in fact they're usually drawing on people who use the honest kind of demonstration as a cover. Because the Bay Area can be easily traveled with just the price of a BART ticket, people from all over can join the crowd and become leaders of vociferous and often illegal-acting groups. It may be that the UC students would only have shouted for a short time, but in fact the group as a whole just destroyed her talk.

In addition to disrupting Joan Didion, they kept shouting when Mike was speaking. I've taught enough seventh and eighth graders to feel as though there's no use listening to them, you really have to get out there and shout back. So I did walk up to some of the seated demonstrators and was able to get their attention, simply by being a clearly furious woman in nice clothes and a straw hat who was also shouting. I think probably they were somewhat amazed that someone had come to shout back at them, and also some of them may have known who I was. Well, in any case, they were quiet after that.

I think that public events at UC must always be viewed as possible opportunities for persons with outspoken agendas, for some group to take them over for their cause. It's unfortunate, but it's happened over and over and over again. It's important for people

like the chancellor to understand that public events may not be in the best interest of the university.

The attack can be from a very small group, but a group with a very highly politicized agenda that has nothing to do with the university. It could be on an issue like abortion, which the university has no control over. It could be on a whole stream of ideas folks are distressed about and not necessarily related to students. Using a public forum seems to them the best way to make noise and be recognized. I agree that they make noise, I don't agree that they're recognized.

I think I came away from those ten years feeling as though if one wanted to serve the university, one really needed to do events for smaller groups of people, or in non-public situations, because the public situations were completely detoured by the possibility of disruption.

University House Dinner Guest Strategies

T. Heyman: The question of who to invite to University House is not simple. It has been influenced by the fact that we want to keep up with the many people who love the university. But if you're also trying to raise funds, you need to make sure that some of the people you invite are able to afford to help the university. And that's a balance which I never took part in.

I think Mike truly enjoyed those events, so it's not as though he was pretending to have a good time. He really was having a good time. And he probably was easy to be with and easy to talk to. I think that his approach really makes a huge difference for any kind of get-together. Sometimes prior to events I would call the UC Development Office. Say we were planning on having forty people to dinner, and twenty-eight would be there for some purpose having to do with the university, you know, maybe a new department or Nobel Prize winner or someone in the Academy of Sciences, then I would ask the development office whom they wanted to add to the mix. This always helped to strike a balance. We always invited some of our own friends to most events because they gave occasions more a sense of informality.

Nathan: The scale of that is kind of breathtaking when you think of having forty people to dinner. It is no minor undertaking.

T. Heyman: It was essential that we had good people working for us. I think for a university, there's a need to know people and what they want to do to help you. Several of the major gifts we got were gifts because Mike knew the people well enough so that they truly wanted to do something special for the university. That's an important part of fund raising.

Nathan: Did you cultivate the alumni?

T. Heyman: Mike was most active with alumni because he enjoyed them. I just tried to help the process.

A Welcoming House, Inclusive Events

T. Heyman: I think, too, one has to assess at the beginning what it is you think you can do as the wife of an administrator. I think one of the things I felt could be done was to make the events in University House a way to have people feel welcome, enjoy knowing what the university was doing, and see in the house university-owned art collections. For me, the house was a prime example of the architectural style and culture of the West, reflecting the interests, objects and the lifestyle of the early twentieth century. And in subtle ways it succeeded.

As you know, we always searched for the best paintings we could borrow. We also had very nice jade that was part of the university's many collections. We usually had books from UC Press. And we tried very hard to keep the public areas targeted for the university. We kept an eye out at bookstores for books by UC graduates, not scholarly books necessarily, but remarkable or popular books, or books on the university itself. We would buy those and put them in the house, just so there would be a good representation beyond the scholarly, which I think people assume.

What we were trying to do, in a number of subtle ways, was to make the university's contributions, accomplishments, and collections available for people to sample, as well as the look of this historic house, without necessitating a special trip to some other place. Guests could just come across these things and find them useful or interesting.

I understood the importance of this opportunity to meet probably thousands of people each year. And that surely I was not going to be able to make friends with them, that wasn't really the purpose of it. I felt we should make the house and events welcoming and fun, that's the point of it. If I happen to get to know a few people after ten years, that is a bonus. I really felt we were doing events in the way that one schedules performances or schedules dinner parties. The university benefited from people feeling welcome and feeling as though they were seeing something new.

You mention in the list of topics that you wished to cover in this oral history the fact that there were multiple commencements and multiple ways for people to take part, and I think that's driven by exactly the same need to include small groups we've just been talking about. If you have just one commencement and you have 70,000 people, you're setting up something that demonstrators absolutely cannot resist. I think whatever the university says about having multiple commencements, in my mind it's really a protection and a benefit for personal enjoyment.

Jeane Kirkpatrick's Commencement Speech, 1983

T. Heyman: You mentioned also Jeane Kirkpatrick's speech. We were away at the time she spoke, and I think university officials felt again that they hadn't prepared adequately. Her talk should have come as no surprise to anyone on a UC campus as an event just waiting to be disrupted. Jeane Kirkpatrick was uninvited other places. Even Smith College, my alma mater, canceled her speaking engagement.

People around the country knew she was a speaker whose opinions were going to be controversial. If you took it on, that's what you were asking for. Now, she made it no easier for anyone by complaining publicly about how disruptive the UC students were, but it was no surprise to her. I think any institution signing on controversial speakers has an obligation to think, "Do we want to give this person an opportunity to speak, knowing that she'll be interrupted as reported?" It's really not about what she has to say, it's about how UC looks.

Acquiring the Campus of the School for the Deaf and Blind

T. Heyman: You were interested in the story of acquiring the campus of the School for the Deaf and Blind. That is one of the most valuable properties that the earthquake preparedness program gave to the university. It seemed as though fighting for it, which Mike did successfully, was well worthwhile because it's a fine campus and a great set of buildings that could be used well. Of course, there are always neighbors who don't want whatever it is in their backyard. The neighbors feel, having purchased their houses, they should tell others what to put next to it.

Those neighbors in that particular area were vociferous, and I think wrong and maybe greedy. The campus has proved to be a wonderful addition for the university and allows them to have many foreign visitors who wouldn't ordinarily have been able to use those facilities.

The Weapons Labs, Animal Rights Demonstrations

T. Heyman: Again, in response to your list, the weapons labs were an issue with which I did not become familiar. I find there are many issues where the wife of a chancellor need not become involved. One of the virtues of ignorance is that I was able to do other things and in no way would my opinion on a weapons lab matter.

Michael Heyman's idea that we should not have had those labs after a certain point in time has been adequately proven by the recent problems which the labs have produced. It really presents, as Mike felt at the time, a combination of challenges which could not be effectively handled.

Berkeley couldn't have research by brilliant people carried on in an atmosphere where they could not talk or write to each other and continue a kind of openness with their colleagues in other countries and with colleagues in other labs. We were setting up a situation which in and of itself was not likely to succeed. That's still an ongoing problem.

Looking back we realize that the university became a wonderful target for what I consider a theatrical act of public display. The animal rights students climbed up on a

sitting crane on a building that was being built, a building actually not having anything to do with animals, and then sat there giving out press releases and interviews. They were easily visible from University House and perhaps that's why they chose the location, or perhaps just because it was an exciting thing to climb onto that crane.

The university again was faced with the fact that protesters were up there and there was no way to get them down safely. Of course they would have loved to have photographs so they could make a greater issue of it. In the long run the university did get them down. I think it was partly a food and bathroom problem, but in any case it was another example that university people have to be as clever or at least as prepared as the students in figuring out how to deal with demonstrations.

Scheduling, and Priorities

T. Heyman: Most of the time when I thought about schedule, I felt that there was never enough time to do everything. I often felt I wasn't home quite enough, I wasn't at the Oakland Museum quite enough, and I wasn't at UC events quite enough. But I did feel that I needed to do all three. I really enjoyed them all, particularly if they were in small bites and not full time. What I tried to do was simply say I wasn't available to the university until 4:00 or 5:00 in the afternoon.

As far as the Oakland Museum goes, museums are always sort of seventy-hour-a-week jobs because, in addition to doing the research and exhibition work that has to be done, curators also go to openings, meet with collectors, and attend events such as seminar lectures. In many cases those events are crucial to collecting, and they're crucial to keeping people interested in the museum.

If you're a part-time curator, as I was, it seems as though no matter how well I planned, somebody always scheduled a meeting that must be attended on a day I was not going in, so I just had to decide whether I'd switch everything around and go or not. I usually made my decision based on how important that meeting really seemed to me.

Trying to keep up with three different parts of my life, I'd have to decide at the outset what I really want to have happen--I mean, what is the important priority--and try and keep that up front. If being home at the end of the day when the kids come home from school is important, I just had to do that.

I'm very impressed with the change in families between the time we came to Berkeley in 1959 and the time Mike stepped down as chancellor. During our early years you never heard a father say anything about leaving his office or whatever to do something at home. In our family it never seemed that Mike would have the time to go to a teacher conference or attend a meeting at school. He could go to their school games at night, but there were few daytime family events that he undertook.

Teaching Art Part-Time

Nathan: Did that mean that you needed to step in?

T. Heyman: Oh, yes, I went to most of those at the schools. I tried to find a balance between what the school needed and what I could add to a liberal, integrated, high-achieving class. The Berkeley schools at that time didn't teach art, although they did have an art person who taught the teacher of the class what she might do, so it seemed to me that one way that I could add to the kids' experiences in class and add to the school was to periodically volunteer to teach art. It was usually every other week, and I found if I brought my own supplies and didn't depend on the school for materials, it all went a lot more smoothly. Since I had taught before, the teachers in those classes were very likely to take that as an hour off, which was fine with me and fine for them.

The tradeoff in my mind was that if I needed to ask for something it was more likely that they would hear me. The Berkeley schools, I guess like many systems, have two or three people teaching every grade level in each school. Sometimes I, like many other parents, wanted a certain teacher and I found that as an active volunteer, if I made requests it was just a lot easier to get the children into the preferred classes. Now that's the kind of balance that many Berkeley parents understand, and know how to do.

I think, in a sense, one comes to understand what the tradeoffs are. In the elementary school I could tip the balance by helping out at the school. In junior high I didn't try to teach art because those kids were beyond the age of fascination by activities. There I would go down and talk with them as a complement to what they were doing and see if there was a way of helping by making opportunities at the university available to them, books, exhibitions, programs.

And then in high school the kids understood that if they would assist in the school, act I think it was as monitors, or did certain activities, there was some tradeoff there where, they could have first choice on classes and times they wanted. There was a way to influence the system in Berkeley public schools, and most students seemed to figure out how to do them.

My feeling was that teaching art was easy and enjoyable for me to do, and at the same time gave me a very good window into who was in the class, how they were being taught and how successful that was. It seemed most of the kids were able to teach themselves and each other. The competition among the top students was enough to keep them quite far ahead of the class as a whole. I know many people who believe that's how kids learn, that the teacher is only a percentage of learning--it's the other kids that make a difference.

Nathan: That's so interesting.

T. Heyman: I know when I taught at a private school in New Haven when I was a Yale graduate student, most of the school was comprised of highly privileged kids, faculty children; I found that the competition among the kids, just as the competition among their parents, was enough to impel them most of the time. In science and mathematics, many kids had an intuitive understanding of new information. I thought one of the ways I wanted to

help parents was to be part of the school tutoring system. That was something I could take on.

A lot of women work in the libraries in the Berkeley schools. [pause] But for women such as myself who are juggling many things in their everyday lives, I don't think it's nearly as clear how to volunteer time. You'll always have the sense that maybe if you were doing it differently it might be more effective. So there was a lot of uncertainty at the time. I don't think, as I look back on it, that there were major choices that I had to rethink, but at the time, I was always reviewing in my mind what would make a better combination.

I also tried to find shortcuts. [laughs] I know that one of them was to make time up on the freeways, which meant I ended up with too many speeding tickets. But it was a way of finding twenty more minutes during the day.

Fund-Raising, and Personal Relationships

T. Heyman: You wanted me to talk about some of the people that I worked with. Laura Bechtel is one. Laura was a very fine, special and interesting woman. By the time I knew her, she was probably one of the wealthiest women in America. She knew it, I knew it, and museum people generally understood that. However, our interest in each other was based really on her informed interest in California printmakers of a very particular kind.

She had friends and relatives who had been purchasing work from one or two printmakers for many years. It was based as much on personal contact as it was on the quality of the art. And Laura was somebody who really liked to understand to whom she was giving the money, actually rather like several people I've known who've been major donors. She wanted to understand how it was being used. She wanted to feel a connection to people and that was as important to her as what the money would ultimately go toward.

She was sensitive to the use of money as others might experience payments. She was careful to treat ordinary expenses as others did. If she drove, I paid the toll; if I drove she paid the toll. Finally she asked if I would mind if her chauffeur did the driving. Of course, I did not, but she waited to offer this when we both had each driven.

She was a very intelligent woman and wouldn't give funds to someone who couldn't represent a cause for which there was a tax deduction. She, unlike Steve, her husband, who I'm sure made enormous gifts to many different projects as well as to UC, was really giving away lesser amounts of money based on her personal interest.

We used to visit local printmakers together. I think from her point of view it was nice to have someone to go with. She'd prefer to go with me because I would know the price but then later the two of us could have a more personal conversation where she didn't feel obligated to be the leader. She made a great many gifts to us of objects, prints and exhibition furniture, and then usually another financial gift every year.

Nathan: Would prints include posters?

T. Heyman: No, she really wasn't interested in posters. She was very much interested in figurative work of the Bay Area, and wanted to expand her interests, but only within that area. Because she had a sense of California art, if a very important California work of art was coming on the market, and it was far more than the Oakland Museum could afford, we would ask her, "Is there any way you could help us with it?" It was very much a one-on-one thing.

I don't think the museum's development office could have worked with her that way. However, the development office probably could have raised ten times as much money if they had asked the Bechtel Family Foundation. I was working directly with Laura, not through her foundation, but through her personal funds.

We talked about the Bechtel Corporation and its interests. And we'd often compare notes about what she was doing for Bechtel and what I was doing for the university, because they were similar in terms of spending time to make something work. I can imagine that when she traveled the world, she'd always talk with the wives of the Bechtel workers, especially those overseas, bringing letters and little presents from home. She tried to be a conduit between families that were often far away and those back home. I think in her mind she was really doing something that was needed. She was making sure that the employees and the corporation benefited from her activities.

[2B]

Nathan: This one-on-one relationship and facilitating the kinds of things that you want to have happen seems to be a big part of your way of operating.

T. Heyman: Well, yes. And I think museums today and museums even at that time were changing the way they did business. They were actually using development offices and going through organized foundations. It's certainly a more predictable way of raising money. However, it's usually a one-shot gift. With someone like Laura who lived a few blocks from the museum and also had a very close UC connection, we were able to enjoy what we were doing together. I never made the money or anything the crucial part of our relationship. But she donated everything we asked of her. We didn't ask her for major endowments of any kind, but she helped us in many ways.

That kind of special relationship--we had probably ten or twelve people who we were able to relate to because we had mutual enjoyable interests, and that's the kind of fundraising I could do. The much more major gift and high-cost type of fund-raising that requires a development office, proposals, and presentations to boards, were something that the university did very successfully with Mike. I really did not take part in those.

Professionals and Volunteers at University House

T. Heyman: The university is very open in terms of the use of the house. When we were there we could have any number of events we were willing to do. We could get help from the architect of the university, we could get help from facilities management people, we could get help from the graphic design people who did printing and publishing and designing. Virtually everyone we turned to was generous, even happy, to help us in the University House. It's a fine useful community of people if you wish to ask them.

There were some areas where I thought we needed professionals, not students or volunteers. That was in cooking, serving, and designing the invitations. For them we tended to hire someone who really was accomplished.

III. THERESE HEYMAN'S CAREER: MUSEUMS AND THE CHANGING ART WORLD

Connections, Photography, and Popular Art

T. Heyman: We were talking about volunteers at the university. Similarly, I found at the Oakland Museum I used professionals for certain services, but always had many competent volunteers, an important contribution to museums in the sixties when middle class women were not yet often in the work force.

Barbara Bellamy and Jo Ellen Atcheson were interested in photography and prints. They helped us with exhibition planning and did special events. We had a few core people who were interested amateur photographers, and in many cases could also help us fund-raise by inviting their friends. I think the first \$75,000 we raised was from doctors to whom I was introduced by a volunteer who understood photography.

Nathan: Did this have anything to do with your friendship with Dorothea Lange?²

T. Heyman: No, it really didn't. Dorothea's collection came to us because Paul Taylor, her husband, really wanted the collection to be--let's put it this way, he didn't want it to be in Washington as part of one of many great collections. He wanted the archive to reflect the Bay Area, both in location and in what he thought was a characteristic of her vision.

I happened to have known Lange's family and friends even before we knew Dorothea. We knew Paul because he was at the university, and Dorothea's son because he was doing kitchen renovation. Those were personal relationships. They were not proposals from the museum to a donor. And I think in many ways, personal contacts are still valuable ways for curators in museums to go ahead and find support, as is now a necessary part of the job.

As much as museums have changed over the last twenty years, from intimate places for small numbers of special interests to the large community of diverse residents, they now

2. Also see p. 241 and following.

have new responsibilities. My areas of interest, which have been photography and popular art, prints and posters, have become central to museums. When I started they were not. I think they've become essential because they're more accessible to many more people; photography is an area virtually everyone can participate in visually.

What I think is amazing is that it's taken some museums so long to figure that out. Even recently the National Gallery of Art in Washington has said, "You know, photography is really very popular." [laughter] Well, of course we could have told them that fifteen years ago, but still, they're catching up. They have an extremely fine collection, and they hired a very accomplished curator.

The director and the chief curator of the Oakland Museum were very much in favor of our having a distinguished photography collection. Certainly back when I began in 1969, I could count on them for the small amounts of money needed.

Nathan: Were you the first to curate a photography exhibition?

T. Heyman: I was, but it doesn't mean quite what you think it means. The museum was small and had just one or two people working in all the arts, so the fact that I specialized wasn't so much that Paul Mills wanted me to have that job, it's that they never had enough people to give anyone that job. Also, it was a time in the Bay Area when one could find important images at reasonable prices. One could find them from photographers directly, simply by using the phone book.

You mention collection development, that's really the essence of what curators do, I think. It's almost always collection development. And collection management. Almost every year we applied for money from private and government agencies to take care of the collections--to buy storage materials and matts, special storage boxes and folders, and purchase archival envelopes. Each of those requests requires someone who is really good writing grants, which we have at the Oakland Museum. Fortunately with substantial funds the National Endowments were essential to my program in Oakland in the seventies and eighties.

However, it takes time to do just plain paperwork. Both the NEA [National Endowment for the Arts] and the NEH [National Endowment for the Humanities] and the other government programs which fund the arts rely on pages of description. They want to know how you will spend money, and then how did you spend the money, how many prints did you preserve, what did they look like afterwards, as well as what were they like before?

I was disappointed to learn that as time went on even NEA was more bureaucratic. If we requested funds to preserve twenty-six prints, for instance, and they found out we actually did twenty-seven, they were concerned. It's really amusing in a way that they check that closely, but I doubt that it's cost-effective at all. Moreover, I doubt that museums really misspend the money, it's usually not enough money to misspend.

It's notable, I think, that in today's economy these two agencies have survived, but of course at such a low level. There are people who have mixed feelings about the endowments. Yet I think most museum boards are made up of both Republicans and Democrats who understand that if government isn't going to support museums, the

board is going to have to arrange it themselves. So I feel the agencies will survive because the people on the boards of trustees of the great museums know that they can't make up the difference, and therefore we need the agencies.

Meeting Other Curators, Colleagues

T. Heyman: You were interested in my relations with other museum curators, and I guess to a certain extent I spent a lot less time with other curators than most museum people do. Most museum curators I know spend a good deal of time working with colleagues, visiting with them, and keeping up with proposed exhibitions and what everybody else is doing. I really couldn't do that, as I already had many other lives to lead.

I depended on meeting other curators through professional organizations. I was at the first meeting of the photography curators group, Oracle, which was enormously valuable for me because most of the curators knew each other. I didn't know many other photography pros and so when I went to a meeting once a year I counted it as meeting colleagues. It was a splendid advantage and opportunity for me.

Also, I was probably older than many photography curators. I could see people who came to the museum, but I wasn't likely to invite them to dinner or go out with them because I had many other events to attend already. That's still true. Most of the curators I know well now either have taken shows I've launched, or I have spent time with them at yearly meetings. That's what I find encouraging at Oracle sites.

Alameda County Art Commission, and Modern Sculpture

T. Heyman: There are committees like the Women's Caucus for the Arts: being on their advisory board really provided me with a way to meet people in the arts whom I could not meet another way.

The Alameda County Art Commission was a wonderful education. We had very little money, but we had an extremely diverse group. Tom Bates, on the Alameda County Board of Supervisors, was our leader, the person to whom we reported, and then Dion Aroner took his place. For me it was a great opportunity to learn how people look at art. For a short time we were able to distribute 1 percent of the budget of new public buildings for the arts, and we used that money very well.

We thought it might be possible to buy a major contemporary sculpture for Alameda County. I believe it was going to be for the courthouse, but I'm not sure. I worked with Jean Wente and others in that endeavor--Jean was another person whom I knew through multiple sources, and we spent time together at art events we both were interested in.

I think what happened with the possible sculpture purchase in Alameda County happened over and over again in the country. That is, the NEA offered a large sum of

money which the county would match. Then we could hire anyone in the country to make a model, small but specific. In Alameda the question became whom to commission for the piece. Most of the committee representing Alameda County were simply too conservative to think of any modern artist or modern art. And then we got Richard Serra and they simply would not permit it.

I thought it was unusual, even incredible, that we could not reach an agreement on whom to commission, but it was only later that I talked to people at the NEA who told me that our experience in Alameda County was not unique. We actually returned the money because we couldn't agree and it couldn't be deferred. NEA said that, over and over again, all over the country, boards were returning money because a single suitable sculpture could not be found and agreed upon. In our case one of the members of our county board seriously thought we might find someone to make a statue of Earl Warren, on a horse. [laughter]

Nathan: That's marvelous.

T. Heyman: And at that moment we understood that we were never going to be able to resolve this problem of how to appoint a modern sculptor of some renown to satisfy everyone's taste. But to me it was a wonderful education in how people who are skilled enough to work for Alameda County are not able to understand the contemporary visual arts around them and equally not willing to give away money even if it's coming from another place.

On a much more limited level, we did accomplish putting art on the walls of new county buildings. It was not nearly what I would have expected given the amount of time we put into it.

One unexpected benefit in Oakland that perhaps still exists is that we didn't have a large enough staff to allow assigning tasks to other people. There was almost no back-up staff for anything, except registration and design, so I really did work on my own plan. I had several volunteers who seemed more interested in the subject than volunteers who help out at larger, more well-funded museums. The good side was I got to know people who were interested in what I was doing and who could help.

On the other hand, it took a lot longer to work with people who were not professionals. For many years we did shows at the museum which, while interesting to do, simply didn't realize their potential audience. If we had held them in a much more grandiose gallery, we would have been better recognized.

We did a lot of good shows but we were unable to have a published record, a catalogue or brochure. And what's happened with many of those shows is that other museums have come along and actually done the same show over again, maybe ten years later. And along with doing a book, they were able to put their footprint on the project which the Oakland Museum originally did, but never published.

Museum Challenge, to Represent the Community

- Nathan: When you speak of being on the Alameda County Art Commission, were there other museums besides the Oakland Museum that you had some jurisdiction over?
- T. Heyman: No. At that time, the Oakland Museum was probably the most important museum in Alameda County. Richmond had a good museum, but was even smaller.
- Nathan: Oh, Richmond, right. I remember that.
- T. Heyman: But see, that's not in Alameda County.
- Mills College always had a small museum, but again, not on the scale of the Oakland Museum. I understand that the Oakland Museum had been put together by a group of remarkable people who succeeded beyond I think what they envisioned, but who have since had a problem in keeping the community's and the government's attention on what they have, which is something very special. I'm afraid that they didn't recognize it at the time and they still do not.
- We're all fond of saying if they'd given us as much money as the Raiders [Oakland football team] have lost, they could have had national listings. It seems as though the support which you can get in Oakland is for sports.
- Nathan: Do you feel that the museum is well integrated into the Oakland community?
- T. Heyman: I think it's well integrated into certain areas in the community. But it isn't well integrated into University of California's home office, which is in Oakland now. It isn't well integrated into the city government, in a realistic way. I mean, we give paintings to city officials, but we have a hard time having them see how essential we are. And if industry and corporate offices are relocated to Oakland, it would make sense to show off the Oakland Museum, chief among other city treasures, but we've had a hard time reminding the city of that.

The museum staff does not mirror the population of Oakland, and that, I think, is a problem. I don't know of a museum in the country where there is a large minority population that also has a large minority staff except the Studio Museum in Harlem which I think maybe has always had a black presence. For the most part, people trained in museum work tend to be middle class, often women, well trained, well educated, and able to afford not being paid enough to live on.

It's not a surprise that if you have a minority population, such as the 46 percent as you do in Oakland, the people in the minority who are really well trained are not going to look for a job on which they cannot live. Why not become a lawyer, a scientist, an engineer, or doctor, and contribute to the community?

I think museums suffer from the fact that they don't represent the community. But who in the community wants to work for a museum where you can't make a living wage? So that's a problem for us. It's a problem for us in Oakland, it's a problem in Detroit, it's a problem in New York City.

Graduate Studies in Art History at Yale

[Interview 3: February 14, 2001] ## [3A]

Nathan: I'd like to discuss your professional work further today. Your training.

T. Heyman: When I graduated from college, I worked at the Yale University Museum, as a kind of helper intern. I also was teaching at the Foote School, a traditional private elementary program in New Haven. It was headed at that time by a wonderful British woman who had very strong opinions and high educational standards.

I didn't really plan to continue being a teacher, I knew that. I taught when Mike was in the Marine Corps, and I did it because it was practically the only job that I could do on an interim basis, year-by-year or whatever. They were short of teachers, so they would accept someone without a teaching degree.

But I did really want to do something else, so I talked to an advisor who had some very good advice. He suggested that when Mike was going to law school, if I wanted to go to Yale in art history, I could do that. It would be a case of making the time, setting aside the money--fortunately not a tremendous problem because our parents would have helped us with a "scholarship," had we needed it--and saying, "Okay, this is what I want to do, and it will have to be in addition to Mike's Yale education." So I arranged that I could teach in the morning until eleven o'clock, and then take my courses.

The decision really came down to whether I felt it could be done at that time. Mike's career seemed the more ambitious, and certainly the more important. But once I was able to make up my mind that that's what I would do, then going to Yale was not really so difficult to justify.

There were very few women in the program, because Yale had continued to be a completely male undergraduate school at that time. However, the art history graduate students were permitted to be women, although this was not really encouraged. I think probably there were three women students in the program.

I don't remember that I was concerned about being in the minority. Yale was so typically male that you just took it for granted that that was the way things would be. All of the professors were male, I believe they had no women faculty members at all at that time. Or if they did have any, it was because someone was married to someone and Yale had to bring in both.

Going to Yale gave me a wonderful overview of what traditional art history could be about, and the depth of information and the requirements one needed in order to understand a painting. While there was almost no interest in American art there, I learned a lot and found medieval art fascinating. And although I certainly didn't have sufficient background in that field of history, I was able to find a small niche where I could do some interesting work.

Yale was mostly about rigorous scholarship. Yet, it was not the German style which NYU [New York University] had proclaimed. Students were encouraged to think about

the creative process and how art objects were made, and to consider what style and aesthetics were really about. Most of the classes were within a couple of fields. I did take every American art seminar when they were offered. The master's degree was a two-year program which I expanded by work at the new Yale Art Museum in the summer.

I've been very fortunate in my education, because each of the schools I attended had unique strengths. The students in their programs were highly selected. In fact, we assumed the institution's mandate, because the people teaching believed in it and were talented. There was very little discussion at any point about the necessity to learn art history, which I think today is hardly even taught from the same premise.

Today Smith College does not teach the basic Art 101 any more because they feel the emphasis had been too much on European art history and that one ought to know Chinese and African American art history, and in order to do that you'd have to take separate courses, you couldn't do it all in one year. When I was there, there was a lot more agreement about what art history was about: what was a masterpiece, who was a great artist. The fact that great art existed was never questioned.

For me, the time at Yale was a special opportunity to get a degree that I could continue to explore afterwards. When Mike and I traveled or moved it became clear that my graduate work had prepared me well for finding work. The first place we went after Yale was Washington, and there I worked for the Smithsonian.

Oakland Museum, and Photography and Prints

T. Heyman: Then we came to California in 1959, and the Oakland Museum was just pulling itself up and out into the community. The head of the art department at that time, Paul Mills, was someone whose broad view and sense of innovation was constant. He was quite willing to take on someone like me and encourage new career paths within the museum. I had other choices of places to work, but it seemed to me that commuting to San Francisco would require a lot of time. I preferred what I saw was a newly expanding place, the Oakland Museum. They were beginning city mandates which paved the way for a bond issue to build the building. It was very fortunate timing.

Had we stayed in New York, which we talked about at one time, I probably would never have been able to find a job in which I was so instrumental. Working, say, at the Met or the Morgan Library, which would have made sense for my medieval interest, would have been a very slow path, whereas the Oakland Museum was happy to have someone with my background. I was able to take on the fields of prints and photography which they simply had not previously addressed. Everyone knew it was important, but they just hadn't started. They had been given several excellent collections but nothing had been done with them.

In a sense, for me, I was in front of the group of people who would eventually want to have curatorial jobs. I've always been fortunate to find jobs, largely because I was well educated and sufficiently ahead. My knowledge was at the forefront of the field and I

was a woman. It really had much more to do with timing and well-recognized schools than it did about me personally.

Nathan: And how is it that you were always able to stay sufficiently ahead?

T. Heyman: I started training as a curator when there were few if any women curators. When I started I think every museum had male curators. Certainly they had male directors. If there were women on the staff, they were in the education department--or in the East they were in the print department. They were certainly never in painting or sculpture or photography or anything like that. They were almost all segregated into the education and docent departments.

Starting in a museum that didn't really have enough staff to begin with, one could become a curator almost instantly. Another friend and I at the museum began to understand how civil service works and how one can change job descriptions. The Oakland Museum has always been a part of a city unionized system, which was unusual at that time, but it's now become more accepted. This other curator and I, who both had titles that were probably irrelevant, learned to be heard in the Engineer's Union, which was the union we were assigned to because there weren't enough of us to warrant a separate group.

Photography is a field that those of us who understood a lot about it realized would always appeal to Americans. It reflected and shaped nineteenth and twentieth century history, and it always appealed to Americans, but it wasn't yet considered a museum field. I think in the years that I've worked in the field, photography has gone from being barely accepted in museums to being the most popular aspect of museum attendance. Today photography shows will pull more visitors than almost anything else in the museum world. We would try describing to the engineers what we did. It was no problem for them to support us, because there were only one or two of us. And because their problems were all with engineers, we curators were a curiosity for them. In a way, we were able to take the fields we were working in--crafts, and in my case, photography and prints, actually any art on paper--and devote most of our time to them. And because of the engineers' willingness, we were able to have our titles reflect what we actually did.

I've been able to ride a wave of interest, and the things I've done, the collections I've built, and the shows I've curated, have all been popular and accepted in large part because the field has become attractive. Being at the forefront in completing certain exhibitions and completing first-time biographies of important photographers such as Dorothea Lange, Anne Brigman, and printmaker Beth Van Hoesen allowed me to make a contribution which today I would have a very hard time doing.

Balancing Museum Work and Family Considerations

T. Heyman: We talked earlier some about my effort to balance my life and the work demands. I felt that the museum work was really a saving grace as a balance to being the wife of a

chancellor. I'm not certain, however, how all this affected the children when they were growing up. It would have been different if we had remained on the East Coast.

Out here on the West Coast I simply never could find the kind of help my mother and father had, not necessarily nannies, but responsible trained women who took care of children because they were interested in them. I could find university students or foreign students to live with us, but we really never had the dedicated people such as I had on the East Coast. Nor was the individual attention in the schools like that when I was growing up. The Berkeley area has a few private schools, but most of them were inadequate for good students--they mostly took children who were difficult or having problems.

I think the public grade schools here are recognized as being somewhat insufficient. When James attended Berkeley High it was an excellent school for excellent students, and the boys were good students--Steve was at Head-Royce School. But instilling a sense of ethics or appropriate behavior, which was central to the school I attended in New York, I think that was never sufficiently a part of the schools that the kids attended around here.

So I was aware of the inadequacy and felt always a certain pull that maybe I should be doing more, even though I didn't really see that doing more was going to solve the problem.

Thoughts on Collecting Art

Nathan: During this time were you collecting art?

T. Heyman: If you're a curator, collecting art is really complex. I used to buy art when I saw something that appealed to me. Once when Mike and I were in England I bought a number of works at one of the great print houses. Because I knew something about printmaking I thought, "I'll buy a work by every one of the great printmakers. It doesn't have to be their major print, but it has to be a good piece in the best style." I went about it that way with my list of influential printmakers, working my way up to the 1990s.

When I started at the Oakland Museum, I often bought works by local artists out of my pocket, artists who appeared not to be selling anything, and I would buy more or less as an encouragement. At that time you could afford to support artists because their prices were very low.

After I worked at the museum for a time, there were more museum funds for collecting. I began to buy from Crown Point Press and from other art dealers in this area, for instance, R.E. Lewis, and then at auction from Friends of Photography or different galleries. I think what I put together was really not a collection so much as it was a reflection of West Coast art. It was highly selective: the work of a number of people whom I thought I could encourage by purchasing the occasional item that appealed, for example, Paul Landacre's print "Forest Girl."

Most of the purchases were made for individual reasons. I really wasn't putting together a collection of photography. Although, again, I could buy things if I showed them to the curators at the museum. That's the curatorial rule.

I have copies of letters in which I told the museum of my interest in purchasing an Elmer Bischoff drawing, a nude, and that I would offer it to the museum first. If the museum did not wish to purchase this or didn't feel that this was the one they should have, then I would buy it. There's a protocol at work here.

Usually museum curators are not able to accept gifts, work by artists for whom you do shows. Very often if you do a show an artist will offer you a piece, but that is unacceptable. What I have are mostly pieces I either bought because they reveal to me something about the history of art, or the history of West Coast art, or because I just liked them. But it isn't a "collection," and I've been donating parts of it.

I gave some to Smith College, I gave some to Yale, I gave some to the Oakland Museum. I've been trying to say, "If I'm not going to hang it in my own home, there's probably no reason to keep it." In other words, I don't see myself moving things around that much. It's a case of cutting back, and putting art where many people can see it.

"Posters American Style," Smithsonian 1998³

T. Heyman: In Washington I did an exhibition on American posters, a field not highly accepted as an art, although culturally everyone understands that posters have a great deal to communicate. In collecting posters I learned how generous artists were, as I found myself being given posters by almost everyone that I was interested in.

For example, David Lance Goines, who works out here in his own studio workshop, is very generous. I've said, "You know, David, I can't accept these as a curator, but I'll be glad to offer them to museums." Then I offered them to Oakland and to the Smithsonian's Museum of American Art. I have purchased several of David's posters and also was given some by a client of his. That's a different story.

The client, Mother's Cookie Company, had commissioned David to do a poster about their cookies--I had suggested him to them. And when they finished that series of posters they gave me one. But that's a somewhat different gift. Curators can accept those.

In working on that exhibition I ended up with a fair number of posters which were put aside and never hung. There are some wonderful early posters that I did buy because I saw them at auction, but again, they appealed to me because of the subject or because of the poster maker. I tend to look for the high points of people's work, people who are wonderfully talented.

3. "Posters American Style," curated by Therese Thau Heyman, National Museum of American Art. Exhibition traveled to the Oakland Museum of California in 1999.

In the poster exhibition, I was outside the system in a way. There are some very good curators at the Smithsonian's Museum of American Art, but none of them could be persuaded by the director to curate a poster show. She saw in me the opportunity to do a show that she needed done and that her own curators were unwilling to undertake. For me, the poster show was just a wonderful involvement and something I already knew about from the West Coast. I was easily able to contact the poster makers, it's not difficult. They're almost all commercially involved and have websites with phone numbers! They want to be involved.

The history of poster making has been written and rewritten in many ways. Now in this book [*Posters American Style*, H.N. Abrams, 1998] you can see that we searched for significant American posters that carried American themes. We were looking for the important American themes and concentrated on major political events--sports, baseball and football; new kinds of music, rock music; certain books and movies that were famous in their day; in addition, a series of posters of American propaganda, sponsored by the U.S. government. Those were the areas that we set out to show. We did very little with commercial product posters.

And again, we were trying to concentrate on the great poster makers: William Bradley, Ben Shahn, Goines, Milton Glaser. There are twenty or so master poster makers who have succeeded in their field, and we wanted to make sure we represented all of them.

For the most part, the show was an opportunity to do something that was outside the system of the Museum of American Art. I borrowed from as many private collectors as I could because I felt in that way we might eventually receive gifts, whereas if you borrow from museums and libraries, it's a cinch they'll never be able to give you anything.

That path made it a lot more complicated, because we borrowed from individuals as much as possible, but it was great fun to involve them. There are always some risks with private collectors. They don't know how museums do things and sometimes they would sell the poster we wanted to another friend and then we would have to scramble.

We were able to do a wonderful website for the exhibition because one of the young people on the Smithsonian staff was interested in technology, and another was able to help us gather the material we needed. For example, we wanted to match Roosevelt's voice speaking for "Four Freedoms" to Norman Rockwell's posters. That's the way we expanded the history as we tried to illustrate poster and people. When we showed the posters of the Grateful Dead on the website, we played their music.

It was a tremendously complex learning experience as to how to get permission for a website, how musicians guard their work, and how agents work with artists whose estates they represent. One becomes familiar with what the commerce in websites is, particularly because it's so new that people don't quite know how to go about it.

The book was something familiar because we've all worked on books, but websites were new, challenging, and interesting. I had an email from a museum director just the other day saying that the website was now a couple of years old, and it had won an award from Hotmail. [laughs] I don't know what that is, but it sounded quite rewarding.

Nathan: Had you paid attention along the way to what the Japanese poster makers are doing?

T. Heyman: You know, we really did not. The emphasis at the museum was almost completely American.

The other natural affinity would have been Mexican posters, because Mexico has a very strong poster tradition. Instead, we would include someone like Rupert Garcia who is Mexican by extension because he's Mexican American.

There's a very interesting poster by a woman artist which I see now being headlined in the *Los Angeles Times*. Her poster was named "Sun Mad Raisins," instead of Sun Maid raisins, and it pictured a woman hard at work in the California fields. We put it in the book, and it's been very popular ever since. The artist has been happy about that. And that fit into a general category of protest posters that we had in the show. Protests showed up in the university in the sixties, but the idea comes through art in a much more graphic way.

##[3B]

T. Heyman: A question that curators talk about is the degree to which rebellion is a well-traveled path in modern art and among modern artists. To be in touch with artistic rebellion in a year when UC Berkeley was also dealing with student rebellion made sense to me, but not to many academics who found some posters extremely threatening.

For me, a lot of what was going on at Berkeley seemed almost familiar because although artists might not throw rocks at windows they could protest through their art. One of the great posters that we found was a poster of an oversized Bank of America check with the logo showing a bank on fire and a statement about the burning of a bank in Santa Barbara. Protest of that kind could be accepted in art. I think the artistic expressions of protest, as in Picasso's painting of *Guernica*, are effective as well as lasting.

Building Asian Community Museum Audiences

Nathan: In art that you have seen recently, is there still the threat of rebellion?

T. Heyman: Art is often the way to speak out. Among minority groups there's a need for striking back against those institutions that may not include them equally. In order to learn, curators meet with community groups. We have meetings with the Asian and Latino community groups. We have meetings with an African American group. We were asking them how the museum appears to them.

It's interesting to hear from them because they are activists in their own community, or as they say, "We want to see ourselves in the museum collections." The Latino group has suggested that since the money comes from the City of Oakland, a proportion equal to their population should be spent on Latinos.

In fact, the museum receives no acquisition money from the city. The city budget supports operations. The city doesn't support exhibitions. On the basis of public funds, there's no imprimatur to do one thing or another. But the stereotypes prevail. The Asian group that came to us was cooperative, very learned, very helpful, and would not have considered saying, "You need to have more Asian artists here because we're Asian and a significant population in Oakland." The situation here on whose art to show and how many examples is still unresolved and changing.

When I've worked at museums that have hung shows principally targeted to black audiences, where the artist is black--Smith College, the Smithsonian's American Museum, and the Oakland Museum have all had shows like that--the population that comes to those shows tends not to come back for other shows. It is a way of highlighting one sensibility, but it has not been a way of bringing in an ongoing audience.

We'll see what happens after the Forbidden City exhibition which was at the Oakland Museum and was enormously popular.⁴ Perhaps more people attended that show than any other show we've ever done. The show was an Asian collection that belonged to the emperor. It had a certain secrecy to it because the emperor's collection has not been widely seen and if you go to the palace in Beijing, you see several hundred things, but not what was on view here.

What interested me was that the museum is geographically very close to the Asian section of Oakland. Oakland's Asian population is very extensive, largely Cantonese. The community that came to that show were often the grandparents with their grandchildren who knew the museum. It was fascinating to watch the children lead their grandparents, telling them where to go, where the restaurant was, really taking them to the show. It was a family occasion which we don't see often enough.

The museum also has a unique and large Asian jade collection that's always been there, but few people looked at it. But because we had an Asian show, and Asian visitors, we had people seeing the jades who had never thought about seeing them before. We also had a small art grouping of Asian paintings, about Asians. And again, that made every level of the museum familiar to the new visitors. Now I think we probably will see people come back because we're their neighbor.

The Dorothea Lange Photographic Collection

Nathan: I hope you will say more about your friendship with Dorothea Lange, and about acquiring the Lange collection.

T. Heyman: Yes. A lot of what I was able to do with photography was based on the fact that the great photographers of the West were still working when I began. Ansel Adams, Dorothea Lange, Willard Van Dyke, and Peter Stackpole all set out individually and in a

4. "Secret World of the Forbidden City, Splendors from China's Imperial Palace," Oakland Museum of California, 1999.

sense created their own photographic imagery. And they were available to interested colleagues. I interviewed each of them.

Also I was able to interview former government leaders who had been active in the New Deal who lived out here--in particular Lawrence Hewes. I think of Lawrence Hewes because he was able to hire and direct policy.

Paul Taylor and Dorothea were friends. Paul was on the university faculty, and I actively solicited Dorothea Lange's interest. I could visit her easily, as she lived fairly close to us in the Berkeley hills, on Euclid Avenue. Her son John Dixon lived in the area, so I could talk directly with John as well, although he was never completely comfortable with his mother's photography, as it seemed to take precedence over her family ties. So I had the good fortune to know the family.

The first person I wrote to when we started the new photography collection was Ansel Adams. He also sent me the first letter of support. You can see that there was a simplicity to relationships that no longer exists.

I think Paul Taylor's influence on Dorothea was very much in the area of what is the best kind of record-keeping for photographs. He had set out very early in their marriage to keep materials about her life, and had virtually every article that illustrated her work. When he was in Spain he had them all bound in a series of red leather books. It's important to know that, not because of what he accomplished, but because of his high standards of archival storage and record keeping. I think Dorothea just sort of dropped things into files; she hadn't set up a formal record-keeping system.

When the New York Museum of Modern Art held a retrospective of hers they helped her to store them systematically, but it was clear that her work, her negatives, and her prints were subject to a lot of guesstimates about where and when they were made. It wasn't yet a dependable system. At the Oakland Museum we were able to show that, should we acquire this kind of collection, we would give it the time and attention that the Library of Congress could not. They had so many collections that her work simply would not receive attention in the way we were prepared to undertake. I think we've produced five books and several large brochures on her photography.

We certainly have generated at least that many grants to store the negatives, check the record-keeping, go back over all the images and put them in the right kind of envelopes for storage. A tremendous amount of deserved time and money have gone into preserving this unique collection. And since it's our major and most remarkable collection, we do a level of research that certainly would not have been granted to it in other institutions.

Paul could see that we wanted to do an exceptional level of preservation. Dorothea died in '65, and although the new museum didn't open until '69, it was already clear at the time of its original conception that it would be a significant institution. Paul understood the importance of image to the new museum.

Paul himself had been a photographer, although he was very modest and seldom told people about that, but The Bancroft Library has many of his photographs. And I keep

up with the family. I talked to John Dixon just recently, he's moved to Rossmoor. The sons of Maynard Dixon and Dorothea Lange have remarkable resources in family collections. I think by persuading them that Oakland was the right place to choose, we were also able to persuade several other photographers that their collections should be in Oakland.

We haven't continued to invite many collections, and in a way that's a good policy, because there's only so much a museum like Oakland can handle. We might be hard pressed to be as resourceful as we have been for Lange, and for Peter Stackpole, Roger Sturtevant, Helen Nestor, Joanne Leonard, and a few others. And again, we knew many friends who knew Lange. Roger Sturtevant and Dorothea Lange shared a studio for a while, and Roger was a fan of ours, recognizing our California focus. Roger won the first AIA [American Institute of Architecture] gold medal for architectural photography.

There was a community of people I was able to count on as soon as I decided to work in photography, people who, if they say they'll do something, will do it. These folks reinforced one other.

For me, I was thrilled with the idea that we could acquire collections from women who also had to make choices about their children, their careers, and their ability to travel when careers benefited. In Dorothea's case, her life simply never moved ahead in the way that she hoped. She was extremely beset, I think, by her own upbringing, and her own illnesses. I could see that, and she knew that I saw that some of her problems were also my problems. We had a certain empathy about the priority of family and how you never know for sure whether you were going in the right or wrong direction.

As far as Dorothea's work goes, the connections to the Farm Security Administration, and her personality and her talent, and the interest in her family, and empathy for people in need of help, are what keeps that collection current. The Dorothea Lange collection gives us recognition, so we receive many gifts of photography. But photographers usually want to be secure financially, and are not in a position to just give their work.

About eight months ago, I had a call from Nipomo from a woman who was very interested in Lange and requested more information about her. She told me she was on the school board. And happily, she called me back just about a week ago to report, "We are naming our new school for Dorothea Lange." Of course Nipomo was where "Migrant Mother" was photographed. Dorothea would have just loved it. I called John Dixon to tell him.

Recent Work, the Smithsonian's George Catlin Show

Nathan: What are you working on now?

T. Heyman: Right now I'm at the Oakland Museum very part time, but in a way I can help because I know the community well through the university. And since I've planned many shows and books, I can be helpful to young people who are working in the field. I really don't

plan to take on a new show or a new book. That's not something I'm going to do in Oakland, as we have a fine new curator who is also a skilled author.

At the National Museum of American Art--which is now called the Smithsonian's American Art Museum, SAAM--I am involved as co-curator for a grand show and co-editor of the publication, *George Catlin and His Indian Gallery*.⁵ I've finished my essay, and am trying to keep up with the exhibition plan, although I find it is difficult from this distance. It could be a great show and a very special book, but I'm afraid that the people working on it now are caught up with moves to new buildings and staff changes. The museum's closed for renovation.

The folks at the museum [SAAM], who all have several jobs to do, agree that Catlin deserves everyone's best talents. We have 450 of his works at the Smithsonian. We have his major collection. The show deserves all our attention. I don't want to see us do the quick and easy thing just because we've moved out of one building into the Victor Building. Fortunately our director, Elizabeth Broun, knows how to hold out for the best effort and has innovative ideas.

For the book, we've chosen the reproductions that go into the essays. It's clear which pictures will be used, the large color pictures, but again designing a superb book usually takes time and special talent, which we have, as well as a careful, dedicated co-curator, George Gurney. I am concerned about the choices as to the publisher and as to the designer. I'd like to see it as a great show, which we all agree can be done.

The Art in Embassies Program

Nathan: I'd like to ask you about the Art in Embassies Program.

T. Heyman: That was a program that Nancy Hanks recommended to the State Department and it was funded in part through the State Department. For a time, 1994-1997, in Washington, it was capably headed by Cissy Swig, Mrs. [Richard] Swig. When we worked for Art in Embassies in Oakland, we were able to do a couple of different shows for them. We worked, at their request, for use of American art in diplomats' offices, homes, and public centers. We put together shows on art by women, and also selected a large group of West Coast prints, and one of West Coast photographs.

In the long run, those works are returned to the artist. I'm always amused, because even today, someone will get something back they can hardly remember lending. In any case, it was a program put together so that American embassies would reflect American art rather than the personal collection of the ambassador. This was very far-reaching because State Department people who become ambassadors of small countries are often not political appointments, and most times not great collectors like Pamela Harriman in France. Actually, she brought her excellent collection to Paris. But aside from special

5. George Gurney and Therese Thau Heyman, eds., *George Catlin and his Indian Gallery* (New York: W.W. Norton & Co., 2002).

collectors like Pamela and the Annenbergs, who were in England, most could not represent American artists of proven ability as museums could do.

Most diplomatic appointees don't have that kind of American art to proclaim. What Nancy Hanks and others who began the Art in Embassies program wanted to make certain of is that museums could lend or museums could ask artists to lend work for public rooms which would be demonstrative of American art. We had a lot of fun supporting local artists by suggesting photographers and printmakers to the program. I think we must have had thirty or forty photographers and an equal number of printmakers. There aren't many ways that art, you know, can play politics, but this was one positive way.

Looking Forward and Back at the Oakland Museum

Nathan: What do you see as the direction you would like the Oakland Museum to emphasize now? You've brought them to posters and to photography.

T. Heyman: I feel as though the museum should prepare to follow the director's good idea of reinstalling its collections in a more meaningful way for 2004. We should represent the local communities in a more complete way than we have in the past. There are many communities. I think it has to become accessible in a way that visitors can understand by just walking, reading, and most importantly looking.

The museum was set up at a time when audiences knew about the art they were coming to see. Currently that's not necessarily true. In order to survive, the Oakland Museum, which is a city museum, has to prove itself essential to the city. That's the challenge. This director, Dennis Power, sees this challenge and leads us in an innovative and very effective manner.

I'm trying very hard to help curators look at the collection in a new way, and to think about visitors who are not particularly familiar with art, but who may be coming to the museum because they've read about it, and their friends said they should come. It's that kind of person we have to engage. I don't think all people in the art museum department have taken on that challenge. Fortunately, we talk about it.

Nathan: Do you have ideas about how they could actually become more effective?

T. Heyman: I have ideas. If it were a private museum, change would come instantly. Every private museum that I know--the San Francisco Museum of Modern Art, the Seattle Art Museum, the Amon Carter--has changed their staff dramatically in the last ten years because more people are needed now in development, in PR, in ethnic studies, and in creating shows of major themes and local interest. Those are the areas in which most traditional museums did not have enough help. In order to be a museum of the twenty-first century we need to look at staff slightly differently.

Nathan: What aspects of your work are you intending to continue?

T. Heyman: I'm going to continue collecting video oral interviews of Oakland Museum founders and friends, people like Paul Mills, Kevin Roche, and Tom Frye and Jim Holliday. We do not now have an archive on the Oakland Museum and that is a project that interests me, and it's rewarding. Kevin Roche, the architect, is next, then Allen Temko, the architectural critic.

Nathan: I want to thank you very much for contributing these interviews for future historians.

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Web Feature

Noted photography curator and UC Berkeley 'First Lady' Therese Heyman dies at 74

From Media Relations | 16 January 2004

BERKELEY – Therese Thau Heyman, an influential curator of photography noted for her expertise in works related to California, who as the wife of a University of California, Berkeley, chancellor played host to world leaders, died here Friday, Jan. 16, following a long illness. She was 74.

Heyman wrote extensively on American photography and photographic history. She held positions with the Smithsonian Institution, the National Museum of American Art and Yale University. Her work as senior curator of prints and photographs at the Oakland Museum of California began in 1960 and became an association that spanned nearly four decades.

"Through her efforts, the museum is recognized as the major center for historical and contemporary California photographic art," said Dennis M. Power, executive director of the Oakland Museum of California.

"Therese was brilliant in her field. Through her knowledge, contacts and warm personality, she collected, created exhibitions and wrote on photography in California, fostering increased awareness and appreciation around the world," he said.

From 1980 to 1990, when her husband, I. Michael Heyman, was chancellor of UC Berkeley, Heyman found herself with another job, that of hosting university events, welcoming literally thousands of new students, and greeting world leaders.



Therese Thau Heyman (Photo by Ben Ailes)

[Print-quality images available for download](#)



Therese Heyman
with her husband,
then-UC Berkeley I.
Michael Heyman.
(Photo by Saxon
Donnelly)

"Therese Heyman was able to blend her career as a professional art curator and as the first lady of the Berkeley campus," said Richard Hafner, former public affairs director for the campus.

She took it upon herself to fill the public areas of the chancellor's residence, University House, with American art. "You often hear people say there is no American art," she told an interviewer in 1980, "but this isn't so."

Among the international leaders she hosted at the campus were Francois Mitterrand, former president of France; Willie Brandt, former chancellor of Germany; and Archbishop Desmond Tutu of South Africa.

Heyman was born in New York City in 1929 and attended Fieldston School through high school. She was a graduate of Smith College and Yale University. Smith College named her one of its "Remarkable Women" in celebration of the college's 125th anniversary in 1995.

Heyman co-authored many books, including "Dorothea Lange: American Photographs" (1975); "Seeing Straight: the f.64 Revolution in Photography" (1993); and "Picturing California: A Century of Photographic Genius" (1989).

She served on the boards of Smith College Museum of Art and of Humanities West in San Francisco. Art Table of Northern California recently honored her as its woman of the year.

In addition to her husband of 54 years, she is survived by her son, James, and her daughter-in-law Lisa, of St. Paul, Minn.; and three grandchildren, Madelyn, Sophie and Joseph. Her son, Stephen, preceded her in death.

A memorial service will be held at a later date.

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TAPE GUIDE--Ira Michael & Therese Heyman

In the editing process, sections of the oral history were rearranged. This approximation is a general guideline intended to assist the reader.

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INTERVIEWS ON THE HISTORY OF THE UNIVERSITY OF CALIFORNIA

Documenting the history of the University of California has been a responsibility of the Regional Oral History Office since the Office was established in 1954. Oral history memoirs with University-related persons are listed below. They have been underwritten by the UC Berkeley Foundation, the University of California Office of the President, the Chancellor's Office, University departments, or by extramural funding for special projects. The oral histories, both tapes and transcripts, are open to scholarly use in The Bancroft Library. Bound, indexed copies of the transcripts are available at cost.

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TAPE GUIDE--Ira Michael & Therese Heyman

In the editing process, sections of the oral history were rearranged. This approximation is a general guideline intended to assist the reader.

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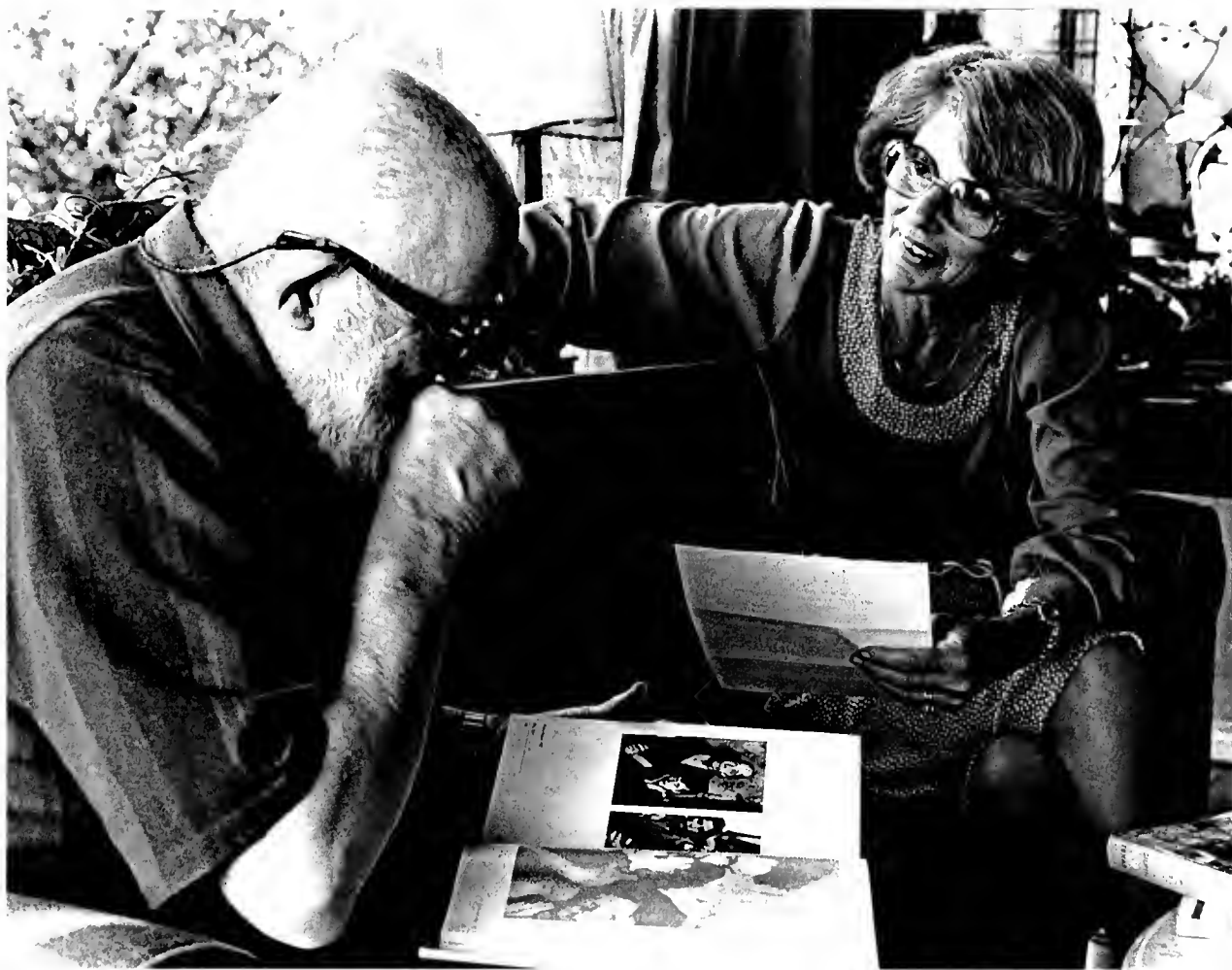
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Therese Heyman working with Ansel Adams, 1965



Therese Heyman, Senior Curator, Oakland Museum of California, 1960s

May 2004

INTERVIEWS ON THE HISTORY OF THE UNIVERSITY OF CALIFORNIA

Documenting the history of the University of California has been a responsibility of the Regional Oral History Office since the Office was established in 1954. Oral history memoirs with University-related persons are listed below. They have been underwritten by the UC Berkeley Foundation, the University of California Office of the President, the Chancellor's Office, University departments, or by extramural funding for special projects. The oral histories, both tapes and transcripts, are open to scholarly use in The Bancroft Library. Bound, indexed copies of the transcripts are available at cost.

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